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CLASSICS

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15 Sept. 1923

LONDON NEW YORK TORONTO MELBOURNE BOMBAY

The World's Classics

CXCI

SELECTED ENGLISH SPEECHES

FROM BURKE TO GLADSTONE

OXFORD: HORACE HART
PRINTER TO THE UNIVERSITY

EDMUND BURKE

SELECTED

ENGLISH SPEECHES

HENRY FROWDE
OXFORD UNIVERSITY PRESS
LONDON, NEW YORK AND TORONTO.

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FROM BURKE TO GLADSTONE

EDITED BY

EDGAR R. JONES, M.P.

HUMPHREY MILFORD
OXFORD UNIVERSITY PRESS
LONDON, EDINBURGH, GLASGOW
NEW YORK, TORONTO, MELBOURNE & BOMBAY

This volume of 'Selected English Speeches' was first published in 'The World's Classics' in 1913.

PREFACE

THIS selection is confined to outstanding examples of English speeches which illustrate the highest attainment in oral expression. Written deliverances such as those of great judges in court have been excluded.

Two other classes of speeches have also been excluded: (1) Speeches which, though famous in history, and often quoted, are on examination found in themselves to lack distinction, their fame being due to exceptional occasions or circumstances. (2) Speeches like those attributed to Chatham, which we know were written by persons who did not hear them delivered but derived their reports from rough notes or scanty material supplied by gossip. Such reports cannot represent the oral style that worked so powerfully upon those who heard. There was no reliable reporting of the speeches of earlier orators. Lord Brougham's eloquent lament, that there was no satisfactory report of any speech by Bolingbroke, could be

uttered with reference to many others whose great oratorical gifts moved the hearts of men in the past.

While regretting the examples we have lost, we may appreciate the wealth and power of what is available.

EDGAR R. JONES

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EDMUND BURKE

March 22, 1775

ON CONCILIATION WITH AMERICA

I am sensible, sir, that all which I have asserted in my detail is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art will of course have some predilection for it. Those who wield the thunder of the state may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favour of prudent management, than of force; considering force not as an odious, but a feeble instrument for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connexion with us.

First, sir, permit me to observe that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed, which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force; and an armament is

not a victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavours to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strength along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favour of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know, if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, sir, are my reasons for not entertaining that high opinion of untried force, by which many gentlemen, for whose sentiments in other particulars I have great respect, seem to be so greatly cap-

tivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, sir, is a nation, which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object; and every nation has formed to itself some favourite point, which by way of eminence becomes the criterion of their happiness. It happened, you know, sir, that the great contests

for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much farther; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and

as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination, that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in an high degree: some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants, and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favourable to liberty, but built upon it. I do not think, sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be sought in their religious tenets, as in their history. Every one

knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them, and received great favour and every kind of support from authority. The Church of England too was formed from her cradle under the nursing care of regular government. But the dissenting interests have sprung up in direct opposition to all the ordinary powers of the world, and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement on the principle of resistance: it is the dissidence of dissent, and the protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces, where the Church of England, notwithstanding its legal rights, is in reality no more than a sort of private sect, not composing, most probably, the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments of their several countries, and have brought with them a temper and character far from alien to that of the people with whom they mixed.

Sir, I can perceive, by their manner, that some gentlemen object to the latitude of this description,

because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, sir, to commend the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with an higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I

mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful, and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavour to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's Commentaries in America as in England. General Gage marks out this disposition very particularly in a letter on your table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane, wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honourable and learned friend [1] on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honours and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.*

[1] The Attorney-General.

This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defence, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance, and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance, who carry your bolts in their pounces to the remotest verge of the sea: but there a power steps in, that limits the arrogance of raging passions and furious elements, and says, 'So far shalt thou go, and no farther.' Who are you, that should fret and rage and bite the chains of nature? Nothing worse happens to you than does to all nations who have extensive empire, and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and

Smyrna. Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigour of his authority in his centre is derived from a prudent relaxation in all his borders. Spain, in her provinces, is perhaps not so well obeyed as you are in yours. She complies too: she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, sir, from these six capital sources; of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit that, unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority) than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but,

—what, in the name of God, shall we do with it? You have before you the object; such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derived all its activity, and its first vital movement, from the pleasure of the Crown. We thought, sir, that the utmost which the discontented colonists could do, was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit; the humours of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their

experiment, as we have tried ours ; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election. Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called ; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people ; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. The evil arising from hence is this ; that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy, would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted,

and subsisted in a considerable degree of health and vigour, for near a twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture ? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be ; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself ; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round the subject, and survey it minutely in every possible aspect. Sir, if I were capable of

engaging you to an equal attention, I would state that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit, which prevails in your colonies, and disturbs your government. These are—to change that spirit, as inconvenient, by removing the causes. To prosecute it as criminal. Or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the frowardness of peevish children; who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties; some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population of the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that, in order to check this evil, it would be proper for the Crown to make no further grants of land. But to this scheme there are two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the Crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice

of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Apalachian mountains. From thence they behold before them an immense plain, one vast, rich, level meadow: a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars; and, pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors and your counsellors, your collectors and comptrollers, and of all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, 'Increase and multiply.' Such would be the happy result of an endeavour to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto

we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts : that the ruling power should never be wholly out of sight. We have settled all we could ; and we have carefully attended every settlement with government.

Adhering, sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind ; a disposition even to continue the restraint after the offence ; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do. The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous, to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you

have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion, as their free descent; or to substitute the Roman Catholic, as a penalty; or the Church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World; and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from the courts of law; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so

effectual; and perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this auspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we not perceive that the American master may enfranchise too, and arm servile hands in defence of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? —from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola negroes. It would be curious to see the Guinea captain attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue. 'Ye gods, annihilate but space and time, and make two lovers happy!'—was a pious and passionate prayer;—but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If then, sir, it seems almost desperate to think of any alternative course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects, as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem, to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on the irregular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures, as Sir Edward Coke insulted one excellent individual

(Sir Walter Raleigh) at the bar. I am not ripe to pass sentence on the gravest public bodies, entrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really think, that for wise men this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this; that an empire is the aggregate of many states under one common head; whether this head be a monarch, or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*, to imply a superior power. For to talk of the privileges of a state, or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent, than for the head of the empire to insist that, if any privilege is pleaded against his will, or his acts, his whole authority is denied; instantly to proclaim

rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this, sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government, against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are, indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, sir. But I confess, that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favour would not put me much at my ease in passing sentence; unless I could be sure, that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as criminal judge, on acts of his, whose moral quality is to be decided upon the merits of that very litigation. Men are every now and then put, by the complexity

of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, sir, also a circumstance which convinces me that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed to have traitors brought hither, under an act of Henry VIII, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no contemptible strength? Has the disorder abated? Nothing less.—When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or if applicable, are in the highest degree inexpedient; what way yet remains? No way is open, but the third and last—to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in a parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them, but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question of the right of taxation. Some gentlemen startle—but it is true; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine, whether the giving away a man's

money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the *great Serbonian bog, Betwixt Damiata and Mount Casius old, Where armies whole have sunk.* I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me I *may* do; but what humanity, reason, and justice, tell me I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute

necessity of keeping up the concord of this empire by an unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favour, is *to admit the people of our colonies into an interest in the constitution*; and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act, upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, sir, we have few American financiers. But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess that they hope no good from taxation; but they apprehend the colonists have further views; and if this point were conceded, they would instantly attack the trade laws. These gentlemen are convinced that this was the intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman [1] of real moderation and of a natural temper so well adjusted to fair and equal government. I am, however, sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord [2] in the blue riband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the Acts of Navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this

[1] Mr. Rice. [2] Lord North.

posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, sir, the sleeping trade laws revive from their trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value; and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or that the giving way, in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation.

This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation. There is not a shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures. Surely it is preposterous at the very best. It is not justifying your anger, by their misconduct; but it is converting your ill-will into their delinquency.

But the colonies will go further.—Alas! alas! when will this speculating against fact and reason end? What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true that no case can exist, in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that, the fewer causes of dissatisfaction are left by

government, the more the subject will be inclined to resist and rebel ?

All these objections being in fact no more than suspicions, conjectures, divinations, formed in defiance of fact and experience ; they did not, sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavoured to put myself in that frame of mind which was the most natural, and the most reasonable ; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities ; a total renunciation of every speculation of my own ; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip II. The genius of Philip II might mislead them; and the issue of their affairs showed, that they had not chosen the most perfect standard. But, sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me : those of Ireland, Wales, Chester, and Durham.

Ireland, before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modelled according to the present form, is disputed among antiquaries. But we have all the reason in the world to be assured that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta, if it did not give us originally the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland. Mark the consequence. English authority and English liberty had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis shows beyond a doubt that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered, that nothing could make that country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From

that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people ; you altered the religion ; but you never touched the form or the vital substance of free government in that kingdom. You deposed kings ; you restored them ; you altered the succession to theirs, as well as to your own crown ; but you never altered their constitution ; the principle of which was respected by usurpation ; restored with the restoration of monarchy, and established, I trust, for ever, by the glorious Revolution. This has made Ireland the great and flourishing kingdom that it is ; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament. This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve if they had no other fund to live on than taxes granted by English authority. Turn your eyes to those popular grants from whence all your great supplies are come ; and learn to respect that only source of public wealth in the British empire.

My next example is Wales. This country was

said to be reduced by Henry III. It was said more truly to be so by Edward I. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers—a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales, as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of

the parties was an Englishman, they ordained, that his trial should be always by English. They made Acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute-book was not quite so much swelled as it is now, you find no less than fifteen Acts of penal regulation on the subject of Wales.

Here we rub our hands—A fine body of precedents for the authority of parliament and the use of it! I admit it fully; and pray add likewise to those precedents that all the while, Wales rid this kingdom like an *incubus*; that it was an unprofitable and oppressive burthen; and that an Englishman travelling in that country could not go six yards from the high road without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered, that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill-husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that

a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties—the grant of their own property—seemed a thing so incongruous, that, eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales, by act of parliament. From that moment, as by a charm, the tumults subsided; obedience was restored; peace, order, and civilization followed in the train of liberty. When the day-star of the English constitution had arisen in their hearts, all was harmony within and without—

> . . . . Simul alba nautis
> Stella refulsit,
> Defluit saxis agitatus humor;
> Concidunt venti, fugiuntque nubes,
> Et minax (quòd sic voluere) ponto
> Unda recumbit.

The very same year the county palatine of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others; and from thence Richard II drew the standing army of archers with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you:

'To the king our sovereign lord, in most humble wise shown unto your excellent majesty, the inhabitants of your grace's county palatine of Chester; That where the said county palatine of Chester is and hath been always hitherto exempt, excluded and separated out and from your high court of parliament, to have any knights and

burgesses within the said court ; by reason whereof the said inhabitants have hitherto sustained manifold disherisons, losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country : (2) And forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight ne burgess there for the said county palatine ; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your grace's most bounden subjects inhabiting within the same.'

What did parliament with this audacious address ?—Reject it as a libel ? Treat it as an affront to government ? Spurn it as a derogation from the rights of legislature ? Did they toss it over the table ? Did they burn it by the hands of the common hangman ?—They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint ; they made it the very preamble to their Act of redress ; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom and not servitude is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester Act; and, without affecting the abstract extent of the authority of parliament, it recognizes the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the Acts of parliaments, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the Act of Henry VIII says the Welsh speak a language no way resembling that of his majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority

is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighbourhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, sir, perhaps imagine, that I am on the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*—I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute.

WILLIAM PITT, EARL OF CHATHAM

November 20, 1777

EMPLOYMENT OF INDIAN TROOPS

I rise, my lords, to declare my sentiments on this most solemn and serious subject. It has imposed a load upon my mind, which, I fear, nothing can remove; but which impels me to endeavour its alleviation, by a free and unreserved communication of my sentiments.

In the first part of the address I have the honour of heartily concurring with the noble earl[1] who moved it. No man feels sincerer joy than I do; none can offer more genuine congratulation on every accession of strength to the Protestant succession; I therefore join in every congratulation on the birth of another princess, and the happy recovery of Her Majesty. But I must stop here; my courtly complaisance will carry me no further: I will not join in congratulation on misfortune and disgrace; I cannot concur in a blind and servile address, which approves, and endeavours to sanctify, the monstrous measures that have heaped disgrace and misfortune upon us—that have brought ruin to our doors. This, my lords, is a perilous and tremendous moment! It is not a time for adulation. The smoothness of flattery cannot now avail—cannot save us in this rugged and awful crisis. It is now necessary to instruct the throne in the language of truth. We must

[1] Lord Carlisle.

dispel the delusion and the darkness which envelop it; and display, in its full danger and true colours, the ruin that is brought to our doors.

This, my lords, is our duty; it is the proper function of this noble assembly, sitting, as we do, upon our honours in this house, the hereditary council of the Crown. And *who* is the minister—*where* is the minister, that has dared to suggest to the throne the contrary, unconstitutional language, this day delivered from it? The accustomed language from the throne has been application to Parliament for advice, and a reliance on its constitutional advice and assistance; as it is the right of Parliament to give, so it is the duty of the Crown to ask it. But on this day, and in this extreme momentous exigency, no reliance is reposed on our constitutional counsels! no advice is asked from the sober and enlightened care of Parliament! but the Crown, from itself, and by itself, declares an unalterable determination to pursue measures—and what measures, my lords?—the measures that have produced the imminent perils that threaten us; the measures that have brought ruin to our doors.

Can the minister of the day now presume to expect a continuance of support in this ruinous infatuation? Can Parliament be so dead to its dignity and its duty, as to be thus deluded into the loss of the one and the violation of the other? to give an unlimited credit and support for the *steady* perseverance in measures—that is the word and the conduct, proposed for our parliamentary advice, but dictated and forced upon us—in measures, I say, my lords, which have reduced this late flourishing empire to ruin and contempt?

'But yesterday, and England might have stood against the world: now, none so poor to do her reverence.' I use the words of a poet; but though it be poetry, it is no fiction. It is a shameful truth, that not only the power and strength of this country are wasting away and expiring, but her well-earned glories, her true honour, and substantial dignity, are sacrificed. France, my lords, has insulted you; she has encouraged and sustained America; and whether America be wrong or right, the dignity of this country ought to spurn at the officious insult of French interference. The ministers and ambassadors of those who are called rebels and enemies, are in Paris; in Paris they transact the reciprocal interests of America and France. Can there be a more mortifying insult? Can even our ministers sustain a more humiliating disgrace? Do they dare to resent it? Do they presume even to hint a vindication of their honour, and the dignity of the state, by requiring the dismissal of the plenipotentiaries of America? Such is the degradation to which they have reduced the glories of England! The people whom they affect to call contemptible rebels, but whose growing power has at last obtained the name of enemies; the people with whom they have engaged this country in war, and against whom they now command our implicit support in every measure of desperate hostility: this people, despised as rebels or acknowledged as enemies, are abetted against you, supplied with every military store, their interests consulted, and their ambassadors entertained, by your inveterate enemy; and our ministers dare not interpose with dignity or effect! Is this the honour of a great kingdom? Is this the

indignant spirit of England, who, 'but yesterday,' gave law to the house of Bourbon? My lords, the dignity of nations demands a decisive conduct in a situation like this. Even when the greatest prince that perhaps this country ever saw, filled our throne, the requisition of a Spanish general, on a similar subject, was attended to, and complied with; for on the spirited remonstrance of the Duke of Alva, Elizabeth found herself obliged to deny the Flemish exiles all countenance, support, or even entrance into her dominions; and the Count le Marque, with his few desperate followers, was expelled the kingdom. Happening to arrive at the Brille, and finding it weak in defence, they made themselves masters of the place: and this was the foundation of the United Provinces.

My lords, this ruinous and ignominious situation, where we cannot act with success, nor suffer with honour, calls upon us to remonstrate in the strongest and loudest language of truth, to rescue the ear of Majesty from the delusions which surround it. The desperate state of our arms abroad is in part known; no man thinks more highly of them than I do: I love and honour the English troops: I know their virtues and their valour: I know they can achieve anything except impossibilities; and I know that the conquest of English America *is an impossibility*. You cannot, I venture to say it—YOU CANNOT conquer America. Your armies last war effected everything that could be effected; and what was it? It cost a numerous army, under the command of a most able general, now a noble lord[1] in this house, a long and laborious campaign, to expel five thousand Frenchmen from

[1] Lord Amherst.

French America. My lords, you cannot conquer America. What is your present situation there? We do not know the worst; but we know that in three campaigns we have done nothing, and suffered much. Besides the sufferings, perhaps total loss, of the Northern force,[1] the best appointed army that ever took the field, commanded by Sir William Howe, has retired from the American lines; he was obliged to relinquish his attempt, and, with great delay and danger, to adopt a new and distant plan of operations. We shall soon know, and in any event have reason to lament, what may have happened since. As to conquest, therefore, my lords, I repeat, it is impossible. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince, that sells and sends his subjects to the shambles of a foreign prince: your efforts are for ever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates, to an incurable resentment, the minds of your enemies—to overrun them with the mercenary sons of rapine and plunder; devoting them and their possessions to the rapacity of hireling cruelty! If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never.

Your own army is infected with the contagion of these illiberal allies. The spirit of plunder and of rapine is gone forth among them. I know it; and, notwithstanding what the noble earl, who moved the address, has given as his opinion of our

[1] General Burgoyne's army.

American army, I know from authentic information and the most experienced officers, that our discipline is deeply wounded. Whilst this is notoriously our sinking situation, America grows and flourishes; whilst our strength and discipline are lowered, theirs are rising and improving.

But, my lords, who is the man, that, in addition to these disgraces and mischiefs of our army, has dared to authorize and associate to our arms the tomahawk and scalping-knife of the savage;—to call into civilized alliance the wild and inhuman savage of the woods;—to delegate to the merciless Indian the defence of disputed rights—and to wage the horrors of his barbarous war against our brethren? My lords, these enormities cry aloud for redress and punishment: unless thoroughly done away, it will be a stain on the national character. It is a violation of the constitution. I believe it is against law. It is not the least of our national misfortunes, that the strength and character of our army are thus impaired: infected with the mercenary spirit of robbery and rapine, familiarized to the horrid scenes of savage cruelty, it can no longer boast of the noble and generous principles which dignify a soldier—no longer sympathize with the dignity of the royal banner, nor feel the pride, pomp, and circumstance of glorious war, 'that make ambition virtue.' What makes ambition virtue? The sense of honour. But is the sense of honour consistent with a spirit of plunder, or the practice of murder? Can it flow from mercenary motives, or can it prompt to cruel deeds? Besides these murderers and plunderers, let me ask our ministers, what other allies have they acquired? What other powers

have they associated to their cause? Have they entered into alliance with the king of the gipsies? Nothing, my lords, is too low or too ludicrous to be consistent with their counsels.

The independent views of America have been stated and asserted as the foundation of this address. My lords, no man wishes more for the due dependence of America on this country than I do. To preserve it, and not confirm that state of independence into which your measures hitherto have driven them, is the object which we ought to unite in attaining. The Americans, contending for their rights against the arbitrary exactions, I love and admire: it is the struggle of free and virtuous patriots; but, contending for independency and total disconnexion from England, as an Englishman, I cannot wish them success; for, in a due constitutional dependency, including the ancient supremacy of this country in regulating their commerce and navigation, consists the mutual happiness and prosperity both of England and America. She derived assistance and protection from us, and we reaped from her the most important advantages: she was, indeed, the fountain of our wealth, the nerve of our strength, the nursery and basis of our naval power. It is our duty, therefore, my lords, if we wish to save our country, most seriously to endeavour the recovery of these most beneficial subjects; and in this perilous crisis, perhaps the present moment may be the only one in which we can hope for success; for in their negotiations with France, they have, or think they have, reason to complain; though it be notorious that they have received from that power important supplies and assistance of various kinds,

yet it is certain they expected it in a more decisive and immediate degree. America is in ill-humour with France on some points that have not entirely answered her expectations: let us wisely take advantage of every possible moment of reconciliation. Besides, the natural disposition of America herself still leans towards England—to the old habits of connexion and mutual interest that united both countries. This was the established sentiment of all the continent; and still, my lords, in the great and principal part, the sound part of America, this wise and affectionate disposition prevails. And there is a very considerable part of America yet sound—the middle and the southern provinces. Some parts may be factious and blind to their true interests, but if we express a wise and benevolent disposition to communicate with them those immutable rights of nature, and those constitutional liberties, to which they are equally entitled with ourselves, by a conduct so just and humane we shall confirm the favourable and conciliate the adverse. I say, my lords, the rights and liberties to which they are equally entitled with ourselves, but no more. I would participate to them every enjoyment and freedom which the colonizing subjects of a free state can possess, or wish to possess; and I do not see why they should not enjoy every fundamental right in their property, and every original substantial liberty which Devonshire or Surrey, or the county I live in, or any other county in England, can claim—reserving always, as the sacred right of the mother country, the due constitutional dependency of the colonies. The inherent supremacy of the state in regulating and protecting the navigation and commerce of all her

subjects, is necessary for the mutual benefit and preservation of every part, to constitute and preserve the prosperous arrangement of the whole empire.

The sound parts of America, of which I have spoken, must be sensible of these great truths, and of their real interests. America is not in that state of desperate and contemptible rebellion which this country has been deluded to believe. It is not a wild and lawless banditti, who, having nothing to lose, might hope to snatch something from public convulsions; many of their leaders and great men have a great stake in this great contest: —the gentleman who conducts their armies,[1] I am told, has an estate of four or five thousand pounds a year: and when I consider these things, I cannot but lament the inconsiderate violence of our penal acts, our declarations of treason and rebellion, with all the fatal effects of attainder and confiscation.

As to the disposition of foreign powers, which is asserted to be pacific and friendly, let us judge, my lords, rather by their actions and the nature of things, than by interested assertions. The uniform assistance supplied to America by France suggests a different conclusion: the most important interests of France, in aggrandizing and enriching herself with what she most wants, supplies of every naval store from America, must inspire her with different sentiments. The extraordinary preparations of the House of Bourbon, by land and by sea, from Dunkirk to the Straits, equally ready and willing to overwhelm these defenceless islands, should rouse us to a sense of their real disposition and our own

[1] George Washington, who was a native of Virginia, of considerable fortune.

danger. Not five thousand troops in England! —hardly three thousand in Ireland! What can we oppose to the combined force of our enemies? Scarcely twenty ships of the line fully or sufficiently manned, that any Admiral's reputation would permit him to take the command of. The river of Lisbon in the possession of our enemies!—The seas swept by American privateers; our channel torn to pieces by them! In this complicated crisis of danger, weakness at home and calamity abroad, terrified and insulted by the neighbouring powers,—unable to act in America, or acting only to be destroyed;—where is the man with the forehead to promise or hope for success in such a situation, or from perseverance in the measures that have driven us to it? Who has the forehead to do so? Where is that man? I should be glad to see his face.

You cannot *conciliate* America by your present measures; you cannot *subdue* her by your present, or by any measures. What, then, can we do? You cannot conquer, you cannot gain, but you can *address*; you can lull the fears and anxieties of the moment into an ignorance of the danger that should produce them. But, my lords, the time demands the language of truth: we must not now apply the flattering unction of servile compliance, or blind complaisance. In a just and necessary war, to maintain the rights or honour of my country, I would strip the shirt from my back to support it. But in such a war as this, unjust in its principle, impracticable in its means, and ruinous in its consequences, I would not contribute a single effort, nor a single shilling. I do not call for vengeance on the heads of those who have been

guilty; I only recommend to them to make their retreat: let them walk off; and let them make haste, or they may be assured that speedy and condign punishment will overtake them.

My lords, I have submitted to you, with the freedom and truth which I think my duty, my sentiments on your present awful situation. I have laid before you the ruin of your power, the disgrace of your reputation, the pollution of your disciplines, the contamination of your morals, the complication of calamities, foreign and domestic, that overwhelm your sinking country. Your dearest interests, your own liberties, the Constitution itself, totters to the foundation. All this disgraceful danger, this multitude of misery, is the monstrous offspring of this unnatural war. We have been deceived and deluded too long: let us now stop short: this is the crisis—may be the only crisis, of time and situation, to give us a possibility of escape from the fatal effects of our delusions. But if, in an obstinate and infatuated perseverance in folly, we meanly echo back the peremptory words this day presented to us, nothing can save this devoted country from complete and final ruin. We madly rush into multiplied miseries and 'confusion worse confounded'.

Is it possible, can it be believed, that ministers are yet blind to this impending destruction? I did hope, that instead of this false and empty vanity, this overweening pride, engendering high conceits and presumptuous imaginations—that ministers would have humbled themselves in their errors, would have confessed and retracted them, and by an active, though a late repentance, have endeavoured to redeem them. But, my lords, since

they had neither sagacity to foresee, nor justice nor humanity to shun, these oppressive calamities; since not even severe experience can make them feel, nor the imminent ruin of their country awaken them from their stupefaction, the guardian care of Parliament must interpose. I shall therefore, my lords, propose to you an amendment to the address to His Majesty, to be inserted immediately after the two first paragraphs of congratulation on the birth of a princess: to recommend an immediate cessation of hostilities, and the commencement of a treaty to restore peace and liberty to America, strength and happiness to England, security and permanent prosperity to both countries. This, my lords, is yet in our power; and let not the wisdom and justice of your lordships neglect the happy, and, perhaps, the only opportunity. By the establishment of irrecoverable law, founded on mutual rights, and ascertained by treaty, these glorious enjoyments may be firmly perpetuated. And let me repeat to your lordships, that the strong bias of America, at least of the wise and sounder parts of it, naturally inclines to this happy and constitutional re-connexion with you. Notwithstanding the temporary intrigues with France, we may still be assured of their ancient and confirmed partiality to us. America and France cannot be congenial; there is something decisive and confirmed in the honest American, that will not assimilate to the futility and levity of Frenchmen.

My lords, to encourage and confirm that innate inclination to this country, founded on every principle of affection, as well consideration of interest—to restore that favourable disposition

into a permanent and powerful re-union with this country—to revive the mutual strength of the empire;—again, to awe the House of Bourbon, instead of meanly truckling, as our present calamities compel us, to every insult of French caprice and Spanish punctilio—to re-establish our commerce—to re-assert our rights and our honour—to confirm our interests, and renew our glories for ever (a consummation most devoutly to be endeavoured! and which, I trust, may yet arise from reconciliation with America)—I have the honour of submitting to you the following amendment; which I move to be inserted after the two first paragraphs of the address:—

'And that this House does most humbly advise and supplicate His Majesty, to be pleased to cause the most speedy and effectual measures to be taken, for restoring peace in America; and that no time may be lost in proposing an immediate cessation of hostilities there, in order to the opening a treaty for the final settlement of the tranquillity of these invaluable provinces, by a removal of the unhappy causes of this ruinous civil war, and by a just and adequate security against the return of the like calamities in times to come. And this House desire to offer the most dutiful assurances to His Majesty, that they will, in due time, cheerfully co-operate with the magnanimity and tender goodness of His Majesty, for the preservation of his people, by such explicit and most solemn declarations, and provisions of fundamental and irrevocable laws, as may be judged necessary for the ascertaining and fixing for ever the respective rights of Great Britain and her colonies.'

The amendment was negatived.

[Lord Suffolk having, in the progress of the debate, defended the employment of the Indians, saying that 'it was perfectly justifiable to use all the means that God and nature put into our hands,' Lord Chatham exclaimed :—]

I am astonished !—shocked ! to hear such principles confessed—to hear them avowed in this House, or in this country : principles equally unconstitutional, inhuman, and unchristian !

My lords, I did not intend to have encroached again upon your attention : but I cannot repress my indignation—I feel myself impelled by every duty. My lords, we are called upon as members of this House, as men, as Christian men, to protest against such notions standing near the throne, polluting the ear of Majesty. 'That God and nature put into our hands !' I know not what ideas that lord may entertain of God and nature ; but I know, that such abominable principles are equally abhorrent to religion and humanity. What ! to attribute the sacred sanction of God and nature to the massacres of the Indian scalping knife—to the cannibal savage torturing, murdering, roasting, and eating ; literally, my lords, eating the mangled victims of his barbarous battles ! Such horrible notions shock every precept of religion, divine or natural, and every generous feeling of humanity. And, my lords, they shock every sentiment of honour ; they shock me as a lover of honourable war, and a detester of murderous barbarity.

These abominable principles, and this more abominable avowal of them, demand the most decisive indignation. I call upon that right reverend bench, those holy ministers of the gospel

and pious pastors of our church, I conjure them to join in the holy work, and vindicate the religion of their God: I appeal to the wisdom and the law of this learned bench, to defend and support the justice of their country: I call upon the bishops, to interpose the unsullied sanctity of their lawn;—upon the learned judges, to interpose the purity of their ermine, to save us from this pollution: I call upon the honour of your lordships, to reverence the dignity of your ancestors, and to maintain your own: I call upon the spirit and humanity of my country, to vindicate the national character: I invoke the genius of the constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble lord [1] frowns with indignation at the disgrace of his country. In vain he led your victorious fleets against the boasted Armada of Spain; in vain he defended and established the honour, the liberties, the religion, the Protestant religion of this country, against the arbitrary cruelties of Popery and the Inquisition, if these more than popish cruelties and inquisitorial practices are let loose among us—to turn forth into our settlements, among our ancient connexions, friends, and relations, the merciless cannibal, thirsting for the blood of man, woman, and child! to send forth the infidel savage—against whom?—against your Protestant brethren! to lay waste their country, to desolate their dwellings, and extirpate their race and name, with these horrible hell-hounds of savage war!—hell-hounds, I say, of savage war. Spain armed herself with blood-

[1] Lord Effingham Howard, the Admiral of England at the time of the Spanish Armada, represented on tapestry, in the old House of Lords.

hounds to extirpate the wretched natives of America; and we improve on the inhuman example even of Spanish cruelty: we turn loose these savage hell-hounds against our brethren and countrymen in America, of the same language, laws, liberties, and religion; endeared to us by every tie that should sanctify humanity.

My lords, this awful subject, so important to our honour, our constitution, and our religion, demands the most solemn and effectual inquiry. And I again call upon your lordships, and the united powers of the state, to examine it thoroughly and decisively, and to stamp upon it an indelible stigma of the public abhorrence. And I again implore those holy prelates of our religion, to do away these iniquities from among us. Let them perform a lustration; let them purify this House, and this country, from this sin.

My lords, I am old and weak, and at present unable to say more; but my feelings and indignation were too strong to have said less. I could not have slept this night in my bed, nor reposed my head on my pillow, without giving this vent to my eternal abhorrence of such preposterous and enormous principles.

WILLIAM PITT

February 21, 1783

AMERICAN PEACE

But I will not hesitate to surmise, from the obvious complexion of this night's debate, that it originates rather in an inclination to force the Earl of Shelburne from the treasury, than in any real conviction that ministers deserve censure for the concessions they have made: concessions, which, from the facts I have enumerated, and the reasoning I have stated, as arising from these facts, are the obvious result of an absolute necessity, and imputable, not so much to those of whom the present cabinet is composed, as to that cabinet of which the noble lord in the blue ribbon was a member. This noble earl, like every other person eminent for ability, and acting in the first department of a great state, is undoubtedly an object of envy to some, as well as of admiration to others. The obloquy to which his capacity and situation have raised him has been created and circulated with equal meanness and address: but his merits are as much above any panegyric, as the arts, to which he owes his defamation, are beneath my attention. When, stripped of his power and emoluments, he once more descends to private life without the invidious appendages of place, men will see him through a different medium, and perceive in him qualities which richly entitle him to their esteem. That official superiority which at present irritates their feelings, and that capacity of conferring good offices on those he prefers, which all men are fond of possessing, will not then be

any obstacle to their making an impartial estimate of his character. But notwithstanding a sincere predilection for this nobleman, whom I am bound by every tie to treat with sentiments of deference and regard, I am far from wishing him retained in power against the public approbation; and if his removal can be innocently effected, if he can be compelled to resign without entailing all those mischiefs which seem to be involved in the resolution now moved, great as his zeal for his country is, powerful as his abilities are, and earnest and assiduous as his endeavours have been to rescue the British Empire from the difficulties that oppress her, I am persuaded he will retire, firm in the dignity of his own mind, conscious of his having contributed to the public advantage, and, if not attended with the fulsome plaudits of a mob, possessed of that substantial and permanent satisfaction which arises from the habitual approbation of an upright mind. I know him well; and dismiss him from the confidence of his sovereign, and the business of state, when you please, to this transcendent consolation he has a title, which no accident can invalidate or affect. It is the glorious reward of doing well, of acting an honest and honourable part. By the difficulties he encountered on his accepting the reins of government, by the reduced situation in which he found the state of the nation, and by the perpetual turbulence of those who thought his elevation effected at their own expense, he has certainly earned it dearly: and with such a solid understanding and so much goodness of heart as stamp his character, he is in no danger of losing it. Nothing can be a stronger proof that his enemies are eager to traduce, than the frivolous grounds

on which they affect to accuse him. An action, which reflects a lustre on his attention to the claims of merit, has yet been improved into a fault in his conduct. A right honourable gentleman [Colonel Barré] who has exhausted his strength in the service of the state, and to whose years and infirmities his absence from parliament can only be attributed, owes to the friendship and interference of the noble earl a pension, which, however adequate to all his necessities and convenience in the evening of life, is no extraordinary compensation for the public spirit which has uniformly marked his parliamentary conduct. Surely the abilities and virtues of this veteran soldier and respectable senator, deserved some acknowledgement from that community in which they have been so often and so manfully exerted. Surely his age entitled him to a little repose in the lap of that public to whose welfare his youth had been dedicated. Surely, that principle of humanity, which stimulates those in power to commiserate in this manner the situation of neglected merit, possesses a nobleness, a generosity, a benevolence, which instead of incurring the censure of any, ought to command the admiration and praise of all.

I repeat then, sir, that it is not this treaty, it is the Earl of Shelburne alone whom the movers of this question are desirous to wound. This is the object which has raised this storm of faction; this is the aim of the unnatural coalition to which I have alluded. If, however, the baneful alliance is not already formed, if this ill-omened marriage is not already solemnized, I know a just and lawful impediment, and, in the name of the public safety, *I here forbid the banns.*

My own share in the censure, pointed by the motion before the House against His Majesty's ministers, I will bear with fortitude, because my own heart tells me I have not acted wrong. To this monitor, who never did, and, I trust, never will, deceive me, I will confidently repair, as to an adequate asylum from all the clamour which interested faction can raise. I was not very eager to come in, and shall have no great reluctance to go out whenever the public are disposed to dismiss me from their service. It has been the great object of my short official existence to do the duties of my station with all the ability and address in my power, and with a fidelity and honour which should bear me up, and give me confidence, under every possible contingency or disappointment. I can say with sincerity, I never had a wish which did not terminate in the dearest interests of the nation. I will at the same time imitate the honourable gentleman's candour, and confess, that I too have my ambition. High situation, and great influence, are desirable objects to most men, and objects which I am not ashamed to pursue, which I am even solicitous to possess, whenever they can be acquired with honour, and retained with dignity. On these respectable conditions, I am not less ambitious to be great and powerful than it is natural for a young man, with such brilliant examples before him, to be. But even these objects I am not beneath relinquishing, the moment my duty to my country, my character, and my friends, renders such a sacrifice indispensable. Then I hope to retire, not disappointed, but triumphant; triumphant in the conviction that my talents, humble as they are, have been earnestly, zealously,

and strenuously employed, to the best of my apprehension, in promoting the truest welfare of my country; and that, however I may stand chargeable with weakness of understanding, or error of judgement, nothing can be imputed to my official capacity which bears the most distant connexion with an interested, a corrupt, or a dishonest intention. But it is not any part of my plan, when the time shall come that I quit my present station, to threaten the repose of my country, and erect, like the honourable gentleman, a fortress and a refuge for disappointed ambition. The self-created and self-appointed successors to the present administration, have asserted with much confidence that this is likely to be the case. I can assure them, however, when they come from that side of the House to this, I will for one most readily and cordially accept the exchange. The only desire I would indulge and cherish on the subject is, that the service of the public may be ably, disinterestedly, and faithfully performed. To those who feel for their country as I wish to do, and will strive to do, it matters little who are out or in; but it matters much that her affairs be conducted with wisdom, with firmness, with dignity, and with credit. Those entrusted to my care I will resign, let me hope, into hands much better qualified to do them justice than mine. But I will not mimic the parade of the honourable gentleman in avowing an indiscriminate opposition to whoever may be appointed to succeed. I will march out with no warlike, no hostile, no menacing protestations; but hoping the new administration will have no other object in view than the real and substantial welfare of the community at large;

that they will bring with them into office those truly public and patriotic principles which they formerly held, but which they abandoned in opposition; that they will save the state, and promote the great purposes of public good, with as much steadiness, integrity, and solid advantage, as I am confident it must one day appear the Earl of Shelburne and his colleagues have done. I promise them, beforehand, my uniform and best support on every occasion where I can honestly and conscientiously assist them.

In short, sir, whatever appears dishonourable or inadequate in the peace on your table, is strictly chargeable to the noble lord in the blue ribbon, whose profusion of the public's money, whose notorious temerity and obstinacy in prosecuting the war, which originated in his pernicious and oppressive policy, and whose utter incapacity to fill the station he occupied, rendered peace of any description indispensable to the preservation of the state. The small part which fell to my share in this ignominious transaction was divided with a set of men, whom the dispassionate public must, on reflection, unite to honour. Unused as I am to the factious and jarring clamours of this day's debate, I look up to the independent part of the House, and to the public at large, if not for that impartial approbation which my conduct deserves, at least for that acquittal from blame to which my innocence entitles me. I have ever been most anxious to do my utmost for the interest of my country; it has been my sole concern to act an honest and upright part, and I am disposed to think every instance of my official department will bear a fair and honourable construction. With

these intentions, I ventured forward on the public attention; and can appeal with some degree of confidence to both sides of the House, for the consistency of my political conduct. My earliest impressions were in favour of the noblest and most disinterested modes of serving the public: these impressions are still dear, and will, I hope, remain for ever dear to my heart: I will cherish them as a legacy infinitely more valuable than the greatest inheritance. On these principles alone I came into parliament, and into place; and I now take the whole House to witness, that I have not been under the necessity of contradicting one public declaration I have ever made.

I am, notwithstanding, at the disposal of this House, and with their decision, whatever it shall be, I will cheerfully comply. It is impossible to deprive me of those feelings which must always result from the sincerity of my best endeavours to fulfil with integrity every official engagement. You may take from me, sir, the privileges and emoluments of place, but you cannot, and you shall not, take from me those habitual and warm regards for the prosperity of Great Britain, which constitute the honour, the happiness, the pride of my life; and which, I trust, death alone can extinguish. And with this consolation, the loss of power, sir, and the loss of fortune, though I affect not to despise them, I hope I soon shall be able to forget.

Laudo manentem; si celeres quatit
Pennas, resigno quae dedit . . .
. . . probamque
Pauperiem sine dote quaero.

CHARLES JAMES FOX

June 8, 1784

THE WESTMINSTER SCRUTINY

Mr. Speaker,

Before I enter upon the consideration of this question, I cannot help expressing my surprise, that those who sit over against me (the Ministry) should have been hitherto silent in this debate. Common candour might have taught them to have urged whatever objections they have to urge against the motion of my honourable friend before this time; because in that case I should have had an opportunity of replying to their arguments; and surely it would have been fair to allow me the slight favour of being the last speaker upon such a subject. But, sir, I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House. Sir, I say, 'that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House.'

[In consequence of a murmur from the other side, Mr. Fox paused, and said,] Mr. Speaker, there is a regular mode of checking any member in this House for using improper words in a debate, and it is to move to have the improper words taken down by the clerk, for the purpose of censuring the person who has spoken them. If I have said anything unfit for this House to hear, or for me to utter—if any gentleman is offended by anything

that fell from me, and has sense enough to point it out, and spirit to correct that offence, he will adopt that parliamentary and gentleman-like mode of conduct; and that he may have an opportunity of doing so, I again repeat, 'that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House.'

Sir, I am warranted in the use of these words, by events and authorities that leave little to be doubted, and little to be questioned. The treatment this business has received within these walls, the extraordinary proceedings which have sprung from it, the dispositions which have been manifested in particular classes of men, all concur to justify the terms I have adopted, and to establish the truth of what I have asserted.

If the declaration I have made, had happened not to have been supported by the occurrences I allude to, the very consideration of Mr. Grenville's bill is of itself sufficient to vindicate what I have said. That bill, sir, originated in a belief that this House, in the aggregate, was an unfit tribunal to decide upon contested elections. It viewed this House, as every popular assembly should be viewed, as a mass of men capable of political dislike and personal aversion; capable of too much attachment and too much animosity; capable of being biased by weak and by wicked motives; liable to be governed by ministerial influence, by caprice, and by corruption. Mr. Grenville's bill viewed this House as endowed with these capacities, and judging it, therefore, incapable of determining upon controverted elections with impartiality, with justice, and with equity, it deprived it of the means of mischief, and formed

a judicature as complete and ample, perhaps, as human skill can constitute. That I am debarred the benefits of that celebrated bill, is clear beyond all doubt, and thrown entirely upon the mercy, or. if you please, upon the wisdom, of this House, Unless, then, men are to suppose that human nature is totally altered within a few months—unless we can be so grossly credulous as to imagine that the present is purged of all the frailties of former Parliaments—unless I am to surrender my understanding, and blind myself to the extraordinary conduct of this House, in this extraordinary business, for the last fortnight—I may say, and say with truth, 'that I expect no indulgence, nor do I know that I shall meet with bare justice in this House.'

There are in this House, sir, many persons to whom I might, upon every principle of equity, fairness, and reason, object, as judges, to decide upon my cause, not merely from their acknowledged enmity to me, to my friends, and to my politics, but from their particular conduct upon this particular occasion. To a noble lord (Mulgrave) who spoke early in this debate, I might rightly object as a judge to try me; who, from the fullness of his prejudice to me, and predilection for my opponents, asserts things in direct defiance of the evidence which has been given at your bar. The noble lord repeats again, that 'tricks' were used at my side in the election, although he very properly omits the epithet which preceded that term when he used it in a former debate; but does it appear in evidence that any tricks were practised on my part? Not a word. Against him, therefore, who, in the teeth of the depositions on your table,

is prompted, by his enmity towards me, to maintain what the evidence (the ground this House is supposed to go upon) absolutely denies, I might object with infinite propriety as a judge in this cause.

There is another judge, sir, to whom I might object with greater reason, if possible, than to the last. A person evidently interested in increasing the numbers of my adversaries upon the poll, but who has relinquished his right as an elector of Westminster, that his voting may not disqualify him from being a judge upon the committee to decide this contest: a person, too, sir, who, in the late election, scrupled not to act as an agent, an avowed, and, indeed, an active agent to my opponents. [Lord Mahon took this to himself; but Mr. Fox went on thus:] Is there any interruption, sir? I hope not. I am but stating a known fact; that a person who is to pronounce a judgement this night in this cause, avoided to exercise one of the most valuable franchises of a British citizen, only that he might be a nominee for my adversaries, concluding that his industry upon the committee would be of more advantage to their cause than a solitary vote at the election. This, sir, I conceive would be a sufficient objection to him as a judge to try me.

A third person there is, whom I might in reason challenge upon this occasion. A person of a sober demeanour, who, with great diligence and exertion in a very respectable and learned profession, has raised himself to considerable eminence: a person who fills one of the first seats of justice in this kingdom, and who has long discharged the functions of a judge in an inferior, but very honourable

situation.[1] This person, sir, has, upon this day, professed and paraded much upon the impartiality with which he should discharge his conscience in his judicial capacity as a member of parliament in my cause. Yet this very person, insensible to the rank he maintains, or should maintain, in this country, abandoning the gravity of his character as a member of the senate, and losing sight of the sanctity of his station both in this House and out of it, even in the very act of delivering a judicial sentence, descends to minute and mean allusions to former politics—comes here stored with the intrigues of past times, and, instead of the venerable language of a good judge and a great lawyer, attempts to entertain the House by quoting, or by misquoting, words supposed to have been spoken by me in the heat of former debates, and in the violence of contending parties, when my noble friend [2] and I opposed each other. This demure gentleman, sir, this great lawyer, this judge of law and equity and constitution, enlightens this subject, instructs and delights his hearers, by reviving this necessary intelligence, that when I had the honour of first sitting in this House for Midhurst, I was not full twenty-one years of age; and all this he does for the honourable purpose of sanctifying the high bailiff of Westminster in defrauding the electors of their representation in this House, and robbing me of the honour of

[1] Sir Lloyd Kenyon, Master of the Rolls. He had previously held the office of Chief-Justice of Chester. Upon the resignation of the Chief-Justiceship of the King's Bench, by Lord Mansfield, in May, 1788, Sir Lloyd Kenyon succeeded him, and was created Lord Kenyon.

[2] Lord North.

asserting and confirming their right by sitting as their representative. Against him, therefore, sir, and against men like him, I might justly object as a judge, or as judges, to try my cause ; and it is with perfect truth I once more repeat, ' that I have no reason to expect indulgence, nor do I know that I shall meet with bare justice in this House.'

Sir, I understand that the learned gentleman I have just alluded to (I was not in the House during the first part of his speech), has insinuated that I have no right to be present during this discussion, and that hearing me is an indulgence. Against the principle of that assertion, sir, and against every syllable of it, I beg leave, in the most express terms, directly to protest. I maintain that I not only have a right to speak, but a positive and clear right to vote upon this occasion ; and I assure the House, that nothing but the declaration I have made in the first stage of this business should prevent me from doing so. As to myself, if I were the only person to be aggrieved by this proceeding, if the mischief of it extended not beyond me, I should rest thoroughly and completely satisfied with the great and brilliant display of knowledge and abilities which have been exhibited by the learned gentlemen, who appeared for me and for my constituents at your bar. If I alone were interested in the decision of this matter, their exertions, combined with the acute and ingenious treatment this question has received from many gentlemen on this side of the House, whose arguments are as learned as they are evidently unanswerable, would have contented me. But a sense of duty, superior to all personal advantage, calls on me to exert myself at this time.

Whatever can best encourage and animate to diligence and to energy, whatever is most powerful and influencing upon a mind not callous to every sentiment of gratitude and honour, demand, at this moment, the exercise of every function and faculty that I am master of. This, sir, is not my cause alone ; it is the cause of the English constitution, the cause of the electors of this kingdom, and it is in particular the especial cause of the most independent, the most spirited, the most kind and generous body of men that ever concurred upon a subject of public policy : it is the cause of the electors of Westminster ; the cause of those who, upon many trials, have supported me against hosts of enemies ; of those who, upon a recent occasion, when every art of malice, of calumny, and corruption—every engine of an illiberal and shameless system of government—when the most gross and monstrous fallacy that ever duped and deceived a credulous country, have been propagated and worked with all imaginable subtlety and diligence, for the purpose of rendering me unpopular throughout the empire—have, with a steadiness, with a sagacity, with a judgement, becoming men of sense and spirit, defeated all the miserable malice of my enemies, vindicated themselves from the charge of caprice, changeableness, and fluctuation, and, with a generosity that binds me to them in every tie of affection, supported me through the late contest, and accomplished a victory against all the arts and powers of the basest system of oppression that ever destined the overthrow of any individual.

If, by speaking in this House (where many perhaps may think I speak too much), I have acquired

any reputation; if I have any talents, and that attention to public business has matured or improved those talents into any capability of solid service, the present subject and the present moment, beyond any other period of my life, challenge and call them into action; when, added to the importance of this question upon the English constitution, combined with the immediate interest I feel personally in the fate of it, I am impelled by the nobler and more forcible incitement of being engaged in the cause of those to whom the devotion of all I have of diligence or ability would be but a slight recompense for their zeal, constancy, firm attachment, and unshaken friendship to me, upon all occasions, and under all circumstances.

There are two leading points of view in which this question should be considered. The first is, whether the high bailiff of Westminster has had sufficient evidence to warrant his granting a scrutiny, supposing that he possessed a legal discretion to grant it; the second, whether any returning officer can by law grant a scrutiny, even upon the completest evidence of its necessity; which scrutiny cannot commence till after the day on which the writ is returnable.

It is of little consequence in which order the question is taken up; but first I shall proceed upon evidence.

The great defence of the high bailiff is built upon the circumstance of Sir Cecil Wray and his agents having furnished him with regular lists of bad votes on my part; and to prove that these lists were delivered, they have brought a witness who knows not a syllable of the truth of the contents of

the lists. The witness who drew the affidavits, which affirm those bad votes to have polled for me, upon cross examination appears equally ignorant of the truth of the affidavits, and therefore the burthen of the proof rested upon the evidence of Affleck, whose testimony, nevertheless, after four hours' examination, is expunged from your books as inadmissible. Expunged, however, though it is, I wish the House to recollect the answers he gave concerning the descriptions of the bad voters which are imputed to me, and to the stated number of them. The number is said to be 143; and the House will recollect, that although I repeatedly pressed the witness to name some of them, he could not even name one. I questioned Affleck particularly, whether the 143 were persons who did not exist where they pretended to reside: his answer was, that some did reside in the streets as mentioned in the poll books, and that others could not be found at all. Those who could not be found at all, if any such there were, might fairly be deemed bad votes; but the other class of voters involved a question of law; and I submit to the House, whether, if the evidence of this man, instead of being rejected as incompetent, had actually been admitted, the whole tenor of it, instead of exculpating, would not, in the strongest sense, tend to criminate the high bailiff. Had he known his duty, or was disposed to discharge it, this he would have said to such a reporter: 'You may be, and most likely are, interested in deceiving me; after much argument and discussion, I, as the sole judge in this court, have admitted these to be legal votes, which you (of whom I know nothing) affirm to be only lodgers or non-residents;

my situation is too solemn to be affected by such information, and therefore I dismiss it as unfit for me to proceed upon.'

This should have been the high bailiff's conduct; but his conduct is the exact reverse of it. He receives this species of information, and from these sorts of men; and not only this, but accepts affidavits imputing bribery to some persons who canvassed for me, acknowledging at the same moment that he had no cognizance of bribery, and never once inquires into the truth of the charge, nor whether any credit is due to the deposer, nor even who the deposer is. All this the high bailiff does in concert with my adversaries, secretly, collusively, without even once giving me, or any one of my agents, the very slightest idea that any such intercourse had subsisted between him (the judge of this court) and one of the parties, litigating that upon which he was to exercise his judicial function.

To have received such information with the least attention was in itself criminal enough; but studiously, cautiously, and deliberately, to have concealed it from me was base and wicked in the extreme. Had I been apprised of these machinations, I might have established the falsehood of every accusation; and surely, if justice had been the object of the high bailiff, he would not rest one moment until he communicated to me the burthen of these informations and affidavits, especially if he meant to overturn the whole tide of precedents, and to innovate upon the practice of all the returning officers that ever lived in this kingdom, in granting a scrutiny to commence after the return of the writ. If truth was his aim, the obvious

mode of ascertaining it was to have given the other party an opportunity of knowing the charges brought against them, to let them have the chance of contradicting their accusers; and if we failed in falsifying these informations, the high bailiff would have had this presumption in his favour, that it was only because we could not. But, sir, not this, nor anything like it, did the high bailiff of Westminster. So far from acting like an impartial judge, he appears to have been the agent, or rather the mere tool, of my opponents; and every syllable of these informations upon which he acted might have been, for aught he knew, the vilest mass of falsehood and perjury that ever thwarted the course of justice. I say, then, sir, if the high bailiff absolutely possessed a legal discretion in granting a scrutiny, to have granted it upon this sort of evidence, and under these circumstances, was, to say no worse of it, an act that cannot be justified upon any obvious principle of law, reason, common sense, or common equity.

But what will the candid part of the House think of this high bailiff, when they consider that the grounds of his vindication at your bar differ as much as light and darkness from his vindication in the vestry in Covent Garden, upon granting the scrutiny? And here, sir, I have to lament that the paper which he read to this House as his defence, which the gentlemen opposite to me (the Ministry), for reasons as honourable perhaps to themselves as to the high bailiff, so strenuously opposed being laid on the table, is now impossible to be produced. That paper, sir, would have enabled me, from his own words, to have proved to you that the principle he avowed at your bar,

as the rule that governed him in this business, is exactly and directly the very reverse of the principle he pretended to act upon at the time of granting the scrutiny. Fortunately, however, this fact is established in clear, unquestioned evidence before you. Mr. O'Bryen's testimony is complete and decisive as to that point: his words were, 'that the high bailiff, in the vestry, upon granting the scrutiny, disclaimed the information delivered to him by Sir Cecil Wray and his agents; that he replied with peevishness and some displeasure to Sir Cecil for having mentioned them; that he declared he believed he had never read them—certainly never with any attention; that he threw them aside unnoticed; that they had not the least operation upon his judgement; and that they did not, in the very slightest sense, influence his determination in granting the scrutiny.' These were his words. Atkinson, upon cross-examination, was obliged to acknowledge this; and Grojan's want of memory upon it goes, of itself, a great way to establish the truth, if it required farther corroboration.

Now, let the House and the world judge of this high bailiff, who, upon granting the scrutiny, affects to be insulted at the supposition of his acting upon this *ex parte* information, and yet rests all his defence, at the bar of this House, upon that very *ex parte* information which, but a fortnight before, he disclaimed and despised.

Without adverting to his shameful and scandalous conduct (which, if he had one spark of feeling, would make him blush to show his face, much less to avow the act) in holding this fraudulent intercourse with my enemies; cautiously

concealing that any such intercourse subsisted between them; treacherously betraying the cause of justice, which his situation bound him to support inviolate, and basely lending himself to one party for the ruin of another;—can anything better show his iniquity, than varying the grounds of his defence according to the variation of scene and the pressure of exigency? This continual shifting demonstrates that he has no honest defence to make. Put the most favourable construction possible upon his conduct, and the best of the alternatives marks him a hypocrite at the least. If he has spoken truth in the vestry, he is an arrant liar before this House; or, if he vindicates himself before you upon pure principles, he has grossly and wickedly deceived me and all who heard the contempt he expressed in the vestry for that information, upon which he has expatiated at the bar of this House with such extraordinary reverence.

So much for the consistency of the high bailiff respecting his alleged motives in granting a scrutiny.

It is said on the other side of the House, that the poll was not a scrutiny, and said in express contradiction to the evidence produced at your bar. Never was a poll a scrutiny, unless the poll in question was such. It is established by respectable testimony at your bar, that the poll was an absolute scrutiny. It is proved that the parish books were constantly at the hustings, and each voter's name, profession, and description, collated with the books. It is proved, that when the names of voters could not always be found in the parish books (which was often the case, and yet the

votes perfectly legal), a gentleman in the interest of each side frequently went to the very street in which the voter said he lived; that the vote was suspended until that inquiry was made, and that the decision was always governed by the report of the inquirers in such case. Was this, or was it not, a scrutiny? But it is said, that the poll was crammed at one time; and hence an inference is drawn that the poll was not a scrutiny. This is strange reasoning, surely; to support this inference, it should be proved that votes were excepted to, and yet admitted in the hurry without examination or inquiry. Does this appear to be the case? Nothing like it. With all Mr. Grojan's disposition to shelter the high bailiff—with all his power of memory at one time, and his want of it another—does he assert any such thing? No, sir, he could not with truth; and even he could not venture upon this without truth. Did you ever hear, or did such a thing ever happen, as that a returning officer, of his own accord, should reject any votes not excepted to by the contending parties? Certainly not. Those votes, therefore, in whose legality the candidates themselves agreed, must be justly presumed by the high bailiff to be unexceptionable; and from hence to suppose that the poll was no scrutiny, is weak in the extreme. In the early part of the election, it was the natural wish of each candidate to get upon the head of the poll. Each brought up as many friends as possible, and this accounts for what they call cramming the poll. Respecting the high bailiff's difficulty in forming an opinion as to which of the two had the greater number of legal votes, had I been lowest upon the poll at the close of the election,

there might have been some little colour for his affectation of scrutiny. Why? Because upon the days when the poll was most crammed, when the greatest numbers polled, and when there was least inquiry and least examination into their legality, Sir Cecil Wray had a very great majority over me. I began to gain upon my adversary, not when thousands polled of a day, but when only a few hundreds, and less than a hundred, polled on each day; at a time when there was sufficient leisure to scrutinize the votes, and when the most acute, the most jealous and sharp inquiry took place, as to the qualification of each voter, that was, perhaps, ever practised in any court of hustings.

With a view to exculpate this high bailiff, his deputy, Mr. Grojan, related an incident which I shall notice, and the exultation of the opposite side of the House, at the time of that relation, renders that notice the more necessary. It was this: he asked a man which way the street lay in which he lived, and the man said it was that way, pointing his hand towards Drury Lane. 'I immediately suspected him, and afterwards rejected him,' says Mr. Grojan. Now, sir, this story happens to be strictly true, and true to the confusion of those who relate it for the vindication of the high bailiff. Were my election to depend upon the merits of a single vote, I do not know that I should prefer any other inhabitant of this great city before that very man then rejected by Mr. Grojan; for in all Westminster there is not a better qualified, a more undoubtedly legal, voter, than that identical person. And what is the fact, sir? That this honest, ignorant man came to poll with liquor in his head, and (embarrassed by the

scene, by the shouting, and by the manner, perhaps, of the question) made that absurd reply. These events, sir, were not unfrequent at that hustings; and, when one considers the facility of puzzling such men in all places—when one considers that Mr. Grojan is not, of all men living, the most embarrassed in the exercise of his duty, nor exactly the most anxious for the comments of by-standers upon his conduct—there is little wonder that honest, uninformed men, surrounded by thousands, with half a dozen inspectors plaguing them with different questions at the same moment, in the midst of noise and huzzaing, in that state of hilarity, perhaps, which is too frequent at general elections, should sometimes give a foolish, unconnected answer to such interrogatories as generally come from Mr. Grojan.

I understand that a learned gentleman has said, that he would have closed the poll long before the high bailiff proclaimed his intention of doing so. I do not mean to argue the legality of that position with the learned gentleman; that the fact was exactly otherwise, is all that it is necessary for me to maintain. It is in evidence before you, that he did not close it until the 17th of May, and then closed it, not from deficiency of voters, but for the express purpose of enabling himself to make his return by the 18th, the day on which the writ was returnable. The first, and the only, notice I had of his intention to close the poll, was on the Thursday preceding; and I do confess, and have always declared, that my object was to continue the poll during the three intermediate days, that the high bailiff may be obliged to assign this as his reason, since the act of closing

the poll was his own act. In this I hold myself perfectly justifiable. During these three days, I confess it was my wish to protract the poll; but I solemnly deny that it was ever prolonged by me a single hour more; and also deny that, up to the 13th of May, I had any proposal or any offer, that I could notice, for closing it.

Attempts have been made to prove—and this is the last head of evidence I shall touch upon—that insinuations came from us, at a certain period of the poll, of demanding a scrutiny. That some of my friends might have expressed that intention is very probable; but give me leave to say, sir, that if I had myself formally demanded it, there is no rule of law that warrants a conclusion against me on account of my own conduct as a party. A thousand motives there may be to justify me in demanding of the high bailiff that which it would be perfectly right in him to refuse. If, in any case of litigation, a judge should grant to one of the parties whatever he wished, how could he ever come to a just decision? or who would ever be defeated, whatever may be the badness of his cause?

But, sir, has it been offered to you in proof, or is there a man that can say, I ever did for one moment entertain the idea, much less express it, that a scrutiny could go on after the day on which the writ was returnable? Sir, I do assure you, so absurd, so preposterous, so pernicious a thought never once possessed me. I had occasion very maturely to consider this subject at the first Westminster election. Lord Lincoln demanded a scrutiny, which the high bailiff granted, and which the noble lord afterwards relinquished.

I remember to have investigated the matter then. I consulted the greatest dead and living authorities, the best books, and the most learned men in my circle; and the result was, that the granting a scrutiny before the return of the writ was legal; but no book, no lawyer, no man, before this time, ever, to my knowledge, maintained that a scrutiny could be continued, much less begun, after the day on which the writ was returnable.

Then, say my enemies, why did you expect the high bailiff to grant you a scrutiny, which you must know could not be finished before the 18th of May? And at that I see the gentlemen on the opposite bench (the Ministry) exult a little. But, sir, it is a weak and childish exultation. Do they think, or, if they deceive themselves, can they believe the public will think, that I could have been so gross an idiot as to suppose a scrutiny of this election could be over before the 18th, with the instance of Vandeput and Trentham staring me in the face, where an unfinished scrutiny lasted above five months?[1] Can they imagine I could hope a

[1] Lord Trentham, eldest son of Earl Gower, sat for the city of Westminster in the year 1749, and having accepted a place at the Board of Admiralty, his seat in Parliament became vacant. Upon his offering himself a candidate for re-election, he was opposed by Sir George Vandeput. After a severe contest, the election was declared to be in favour of Lord Trentham; whereupon Sir George Vandeput and his adherents demanded a scrutiny, which was granted by the high bailiff. The scrutiny was protracted for several months, but no return day was named in the writ. The numbers polled on this occasion were: for Lord Trentham, 4,811; for Sir George Vandeput, 4,654. The contest between Vandeput and Trentham is memorable for the violent proceedings which it gave rise to, on the part of the Commons House of Parliament, against

scrutiny in this case, where upwards of three thousand voters polled more than at the contested election of Vandeput and Trentham, could by any possible means be over before the 18th? Surely not. A tolerable knowledge of Mr. Thomas Corbett, the high bailiff of Westminster, gave me no extravagant hopes of success in any scrutiny where he was to be the sole judge; and, therefore, all I ever meant was, that an inquiry might take place previous to the 18th; which inquiry might enable us to form the train and order of the necessary evidence, that we might the better know how to discover the different species of bad votes, and class, under their various heads, those which were doubtful, those which were suspected, and those which were positively illegal; and so far

Mr. Alexander Murray, brother of Lord Elibank. In the course of an inquiry before the House, founded on a petition against the return, the high bailiff complained of having been insulted in the discharge of his duty by Mr. Murray. The House determined to hear both parties by counsel, and ordered Mr. Murray to give bail for his appearance from time to time. After hearing witnesses on both sides, it was resolved that Mr. Murray should be committed to Newgate, and that he should receive this sentence upon his knees at the bar of the House. He accordingly appeared, and when directed by the Speaker to kneel, he steadily refused to obey. It was then ordered, that no person should have access to him in prison: an order which, on account of his ill-health, was soon afterwards relaxed. At the termination of the session, when the authority of the House ceased, he was accompanied from prison by a sort of triumphal procession. In the next session, the House again made an order for his committal to prison, but, in the meantime, Mr. Murray had quitted the country.—Smollett's *Hist. of England*, vol. iii, pp. 67 et seq., and 80 et seq.; Hallam's *Constitutional Hist.*, vol. iii, pp. 368, 369; Lord Mahon's *Hist.*, vol. iv., pp. 28, 29; *Parl. Hist.*, vol. xiv, pp. 761, 762, 870 et seq., and p. 1063 et seq.

to methodize, arrange, and simplify, the business before the return, that we might go on in the committee, under Grenville's bill, with the greater facility and expedition, and with less expense; and this would have been a material point of preparation for us.

This, sir, was all I ever meant by a scrutiny before Mr. Corbett, and all that any man of common fairness and liberality can suppose I meant.

A noble lord over against me (Lord Mulgrave), in his zeal to exculpate the high bailiff, charges me with having intimidated him, and charges it upon the evidence of Mr. Grojan. That noble lord, disdaining all regard to consistency whenever he thinks he can impute a fault to us, at the same moment that he asserts the high bailiff was intimidated, pronounces a flashy panegyric upon the firmness and intrepidity of the very man he affirms to be thus terrified. But, sir, the high bailiff was threatened—and how? Was it by threats of assaulting him? No. Was it by holding up the fear of danger to him, by mobs or riots? No. Was it by a menace of taking away his books, breaking the peace of the hustings, and interrupting him in the discharge of his duty? No, no. But it was by warning him of the consequences of unjust partialities, false or corrupt decisions: it was by threatening him with legal punishment, if he did not make the law of the land the rule of his conduct. Grojan tells you, that he believes these threats sometimes induced the high bailiff to make decisions in my favour, contrary to his judgement. Yet this is the man, whose firmness and intrepidity the noble lord commends so much, and whom the Government

of this country is straining every nerve to bear harmless through this unprecedented business. An officer, whose deputy, as a palliation of greater guilt, defends him, by saying that he committed a palpable breach of his duty, and only because he is threatened with legal punishment if he acts against law! Sir, for my own part, I believe there is as much sincerity in the noble lord's panegyric as there is veracity in the deputy bailiff's inference from these threats. All I wish, however, is that you would properly notice this species of intimidation. It is an intimidation, sir, the influence of which, I hope, will reach every man, every magistrate, in this country, however splendid his station, however lifted up above his fellow-creatures in office or dignity, to keep before his eyes the danger of a vicious or a wanton breach of the law of the land. Would to God this House were in a capacity to become an object of those consequences which the verdict of a jury would determine to follow a violation of the laws! With what content, with what confidence, should I submit my cause to such a tribunal!

Having now, Mr. Speaker, gone through the various depositions that have been made before you; having from the evidence shown that the alleged grounds of the high bailiff's first granting this scrutiny were the direct reverse of those he declares to this House to have been his motives; having shown that he was in habits of clandestine intercourse with my opponents; having shown that he was in the constant course of receiving *ex parte* information in an illicit and shameful secrecy; having shown that he positively and solemnly denied this series of iniquitous proceed-

ings in the vestry, which he boldly avows at your bar; having shown that the poll was as much a scrutiny as any poll can possibly be; having explained my views in the event of my demanding a scrutiny; having described the species of intimidation used to this man, and confirmed that, so far from exculpating, it tends deeply to criminate him; having shown this, sir, and shown it by the evidence which you have heard at your bar, I shall conclude this part of my subject, with submitting to every man of honour and candour who hears me, whether he really thinks that the high bailiff of Westminster exercised a sound and honest discretion in granting a scrutiny, supposing, for argument sake, that he actually possessed a legal power to grant it.

The remainder of what I have to say shall be directed to prove that he had no such power, and to lay before you the fatal effects of such a precedent as the loss of this question will afford.

I am not a professional man, and cannot be supposed to speak with the information of professional gentlemen upon a legal subject; there are, however, general and fixed principles of common sense, which serve to guide an unlearned man upon a subject of this kind. Four different ways occur to me, by which, in a case of doubt, the law may be discovered and ascertained. First of all, I should look into the statute-book upon the table. If, upon searching there, I find an Act of Parliament upon the point in dispute, doubt and conjecture cease at once, and all is clear and certain; but if there should be found no act to regulate the case in question, I should then, in the second place, have recourse to practice and precedent,

and inquire what has been done in similar cases on similar occasions; in other words, I should try what is the common law. If I find practice and precedent direct me, then everything is plain and easy; but if no statute and no precedent should be found, by which I could steer in this ambiguity, my next obvious resort would be to legal analogies, to cases which, though not precisely the same in all points, are yet perfectly similar in principle. If in this department of research I find anything to direct me, there, too, all will be smooth, intelligible, and certain; but if I find no positive statute, nor precedent, nor practice at common law, and no legal analogy, whereby I might discover the fact, there is then much difficulty indeed, but not an insurmountable one; still I should make an effort, and my last and fourth resort should be to the experience and understanding of mankind—to those arguments which common sense suggests—to fair conclusions deducible from fair reasoning, founded upon the immutable principles of policy and expediency.

Now, sir, if some of these various modes of defining the law should happen to favour me upon the present subject, and that others should unfortunately militate against me, still I may be right in my position, but not with that fullness of conviction, that clearness of certainty that I might wish. The case, however, is so entirely otherwise, that I do venture to affirm, and engage to prove to the satisfaction of every man capable of being satisfied, that not only nothing in any of these different ways of attaining the fact does operate in the slightest degree against me, but that all

and each concur in supporting me, and demonstrating the illegality and violence of my enemies in the present business. I do, therefore, assert, that the high bailiff of Westminster, in granting this scrutiny, has violated the law of the land, by the combined force and testimony of these four tests: by the statutes, by the common law, by the analogies of law, by policy and expediency. First as to the statutes:—

The Act of 10 and 11th William III was made for the avowed purpose of checking the bad conduct of returning officers. The preamble of the bill, and every clause in it, proves this to have been the object of enacting it. As the part of it which relates to returns is merely directory, it is gross and absurd to construe it in any other manner than that which makes it answer the evident purpose for which it is enacted. It requires that the writs for any future Parliament shall be returned on or before the day that Parliament is called to meet; that the return shall be made to the clerk of the Crown, which clerk of the Crown is authorized to receive four shillings for every knight, and two shillings for every burgess. It imposes a penalty upon the sheriff, if he does not make his return on or before this day.

Now observe the construction given by the opposite side of the House to this plain intelligible statute. It is true, say they, this Act is binding upon a sheriff, but not at all upon a mayor or bailiff. Why? Because a mayor or bailiff are not mentioned.[1] True, they are not mentioned, and

[1] The words of the Act in question, 10 and 11 Wm. III, c. 7, are: 'The sheriff or *other officer* having the execution and return of any such writ' [for the calling and assembling

probably the action I spoke of some time ago, might not lie against the high bailiff; not that he has not openly transgressed the spirit of the law, but because the penal part of every statute is to be construed according to the strict letter of the Act: but I submit to the House, whether they ever heard so low, so vile, so dirty a quibble; whether they ever heard so base a perversion of common sense, as to suppose the legislature of this country to have been such a set of idiots, such a herd of miserable beings, as that, in an Act made for the avowed and declared purpose of correcting and punishing the misconduct of returning officers, they should have provided against the partialities, corruption, and roguery of sheriffs, and have left the nation at the mere mercy of mayors and bailiffs, without restraint, redress, or punishment. This is the construction put upon this Act by His Majesty's Ministers, the patrons of this high bailiff, although they see these express words in the body of the Act: 'That the clerk of the Crown shall receive at the time of these returns (which returns must be made on or before the day of the meeting of such new Parliament) four shillings for every knight, and two shillings for every burgess.' Why mention the burgess, if that Act is not meant to compel the return of the writ under which he is chosen? Was there ever such an outrage upon common sense as to maintain—although they see the fee stated for the burgess to pay; though they see the return required proceeding from the sheriff's precept to the mayor or bailiff—that the mayor or bailiff is

of Parliament, or for the choice of any new member to serve therein], &c.

not obliged to make a return within the time prescribed by the same Act, that is, on or before the day that the new Parliament shall be called to meet ?

But there is another point which defines the meaning of the legislature to a certainty, and it is the exception in favour of new writs upon vacancies. In that case there is an obligation that the return be made within fourteen days after the election upon that vacancy. Is it consistent with reason, or rather is it not making downright nonsense of this Act, to suppose that it should compel a return within a certain time in cases of vacancy; but that upon a general election, all should lay at the mere will and pleasure of the returning officers ? Will the gentlemen urge the same contemptible reasoning here, and assert that the compulsion in this case only respects the returns of knights of the shire ? What ! that an Act should be made to prevent the collusion and knavery of returning officers, yet that it extends only to the preclusion of frauds in returning about one hundred, because they are knights of the shire, and leaves the remaining four hundred at the discretion of every mayor or bailiff ? Sheriffs are, in general, of a much superior rank and character to the other returning officers, yet the witol [1] caution the honourable interpreters of this Act impute to the English legislature is, that they guarded against abuses from that class of returning officers whose fortune and sphere of life presumed most for their integrity; and made no provision whatever for the possible misconduct of that very description of returning

[1] Wise, knowing, skilful: *sciens, sapiens.*—Bosworth's *Anglo-Saxon Dict.*

officers whose situation gave the least pledge or security for honest and incorrupt conduct. If I am not mistaken, this species of reasoning carries with it its own refutation.

A noble lord over against me (Lord Mulgrave) has advanced a singular kind of argument indeed, touching the intention of this Act of King William. He has read to you from the journals an instruction to the commtitee appointed to bring it in, which instruction suggests to them the introduction of a clause to secure the returns for cities and boroughs within the specified time; and, in a style of inference peculiar to himself, he concludes, that, as the express words do not appear in the statute, the legislature never meant to include the returning officers of cities and boroughs.

Now I will take upon me to say, that every other man in this country (that noble lord and those who concur with him in opposition to my honourable friend's motion excepted), capable of understanding the sense of an Act of Parliament, will draw the direct reverse of his conclusion from the non-insertion of that clause. The sole view of this statute was to correct the abuses of returning officers. The instruction from the House to the committee proves that the disease extended to mayors and bailiffs. The omission of that clause, therefore, clearly demonstrates that the framers of the Act thought the suggestion fully comprehended in the Act as it stands, and that it would be mere tautology and needless repetition to be more explicit. What a miserable legislature must that be, which, in the act of applying a remedy to an acknowledged evil, creates ten times a greater than that which it endeavours to cure! Those who

made this law, were, in my opinion, good politicians, but they were evidently not good prophets, for they did not foresee that an hour would come when men should rise up and put such a construction upon their labours as marked them the most despicable set of drivellers that ever insulted society under the appellation of law-makers. In a word, sir, I contend that the statute of King William is decisively and completely with us.

The 23rd of Henry VI[1] is likewise with us, and does afford me a legal remedy against the high bailiff, of which I shall most certainly avail myself. That Act authorizes the sheriff to issue his precepts to the returning officers of cities and boroughs. It requires that they shall make a return to the sheriff, and gives the person chosen, and not returned, an action, which must be brought within three months after the meeting of Parliament. From this it is evident that the return of the writ, and of the precept proceeding from the writ, must be at one and the same time, namely, by the meeting of the Parliament. For, otherwise, observe what rank nonsense this statute would be. This misconduct of returning officers made it necessary to give a power of legal punishment to the party chosen and not returned. That power is here given; but if we can suppose that the Act does not compel the return to be positively made by the meeting of Parliament, the penalty is all a farce: for who will make a return that will subject him to a civil action, if it be in his power to avoid it? Whether the return be true or false, therefore, it is as clear as daylight, that some return must be made by the meeting of Parliament.

[1] C. 14

For it is insulting common sense to say, that the man who incurs a legal penalty shall have a legal power of evading it. That is to say, that a returning officer may, of his own authority, prolong his return until the three months pass away, within which time alone the action can commence for the punishment of this gross abuse.

I have, therefore, sir, no difficulty in saying, and I am confident every fair man agrees in the truth of it, that these two Acts, in their letter, as well as their spirit, demonstrate that the high bailiff of Westminster, in granting this scrutiny, has positively broken the statute of the land.

The second point to which I shall advert in the arrangement of this argument is, the point of practice, or what the common law is upon this occasion; and the best way to show that the high bailiff of Westminster's return is against both the one and the other, is to observe this fact: that in all the records of Parliament, in all the annals of election, and in the history of this country, a single precedent cannot be found to justify this extraordinary return. The main and evident drift of it was to deprive me of the benefit of Mr. Grenville's bill; and to accomplish this end, do but observe how many obvious modes of return he passed by. Had the bailiff done his duty, and returned Lord Hood and me, Sir Cecil Wray would not have been injured, for he would instantly petition, and the merits of the election would be tried by a committee upon their oaths. Had the bailiff, doubting, as he pretends, the legality of my majority, returned, as he undoubtedly might have done, Lord Hood and Sir Cecil Wray, then I should have petitioned, and one of

Mr. Grenville's committees would have redressed me. Had he returned Lord Hood alone, still it was cognizable by Grenville's bill. A petition against an undue return would have been presented and this House infallibly prevented all interference in the matter, except in appointing the committee. Or if he had returned the three candidates, the double return entitled it to a priority of hearing (upon that great and fundamental maxim, that the first object was to have the House complete), and a committee under Grenville's bill would instantly have tried the merits of the return, and rescued the case from the prejudices and party influence of the House of Commons. At all events, my sitting here for Kirkwall rendered an immediate discussion and decision upon the business indispensable, as petitions complaining of pluralities of election are always heard in order, next to double returns: thus you see with what dexterity this has been managed.

This curious return had two views: first, to exclude me from sitting for Westminster; secondly, to deprive me of the advantage of Mr. Grenville's bill. And, sir, does any man think this return was the fabrication of Mr. Thomas Corbett? The party spirit and personal rancour, so visible in his defence before this House, confirm that he has all the disposition, if not all the ability, in the world to do me every mischief; yet I cannot be persuaded, when I consider who they are that take the lead in his vindication before this House, and when I observe how very familiar they appear to be with this historical return (as my noble friend has well called it), that so peculiar, so ingenious, and so original a fragment as this could ever have been

his sole production. In a word, sir, this cursed historical return, this return unmatched and unprecedented in the history of Parliament, is the only species of return that could have robbed me and the independent electors of Westminster of a fair hearing before that admirable judicature instituted by Mr. Grenville's bill.

A learned gentleman who appears at your bar for the high bailiff, admits that no instance of this kind ever happened before ; and to induce the House to support his client, he says, it will never happen again. How he comes to know that a line of conduct, so convenient to a minister, so well suited to those who have the power to oppress, and a disposition to exert every power against those they dislike, will not be repeated, the learned gentleman himself best knows ; but surely, after such an admission, to pray the sanction of this House for an act allowedly unprecedented, is somewhat singular. The learned gentleman's prophecy is surprising, it is true ; but the argument drawn from that prophecy is still more surprising. Grant the scrutiny, says he, in this case ; but you certainly never will do the like again. Perpetrate the most gross and glaring injustice deliberately, for you will never commit a similar outrage hereafter. A good understanding, however, seems to prevail between those within and those outside of the bar ; and the intimation of a learned gentleman over against me, of an intention to bring in a bill to regulate this matter in future, does, in a great measure, account for the prediction of the high bailiff's counsel, that this iniquitous precedent will be no example for future imitation. Now, Sir, I take the first opportunity of declaring, that a bill

declaring the law, after a decision directly contrary to law, shall be opposed by me with all the faculties and force I am master of. This is no new principle with me. I have ever set myself against the affectation of applying a remedy upon erroneous decisions subversive of law in supreme courts of judicature. In the case of the determination concerning general bonds of resignation of church livings in the House of Lords last year, a bill passed there, and was sent afterwards to this House, the purport of which was to declare the law in that case, after a determination which reversed the uniform current of decisions in Westminster Hall for a series of ages.[1] Such a bill would have been most fatal in its example, because it would have taken away the only check, restraint, and control, upon courts of *dernier* appeal. It would take away the general public inconvenience arising from the false determinations of superior courts. I opposed that bill, sir, and opposed it with success, for this House rejected it. I shall oppose the bill suggested by the learned gentleman

[1] Mr. Fox here refers to the case of the Bishop of London *v.* Ffytche (3 Burn's Eccl. Law, 325 ; 1 East, 487 ; 3 Doug., 142). In that case the House of Lords (30th May, 1783), held that a presentation to a benefice after a *general* bond of resignation, that is, a bond to resign upon the request of the patron, is illegal: the bond being given for the purpose of obtaining the presentation, and, therefore, simoniacal. By 9 Geo. IV, c. 94, a bond to resign in favour of any one person whomsoever, to be specially named and described therein, or of one of two persons, both to be specially named and described therein, and each of them being, either by blood or marriage, an uncle, son, grandson, brother, nephew, or grandnephew of the patron specified in the Act, is made effectual at law, and may be enforced in equity.

upon the same principle, and every other bill of the same tendency. For sure there cannot be a more barefaced violence of decency and justice—a grosser mockery of the common sense of mankind, than to authorize a scrutiny, in direct opposition to the whole tide of precedents, and exactly subversive of positive law; because you intend to bring in a bill to prevent the repetition, in future time, of so scandalous and shocking a proceeding.

An incident occurs to me which will be proper to mention. Much discussion formerly took place upon this subject of regulating scrutinies, and especially at the time of the Oxfordshire election[1] (concerning which election I shall presently trouble the House with a few observations). Great pains and labour were employed then, with a view to frame an Act of Parliament upon the subject; and a great man, whose name I mention only in the purest respect and reverence for his character (Lord Mansfield), took an active part, and gave the whole attention of his extensive and shining talents to the business. Yet, after the most deliberate and mature consideration of the subject,

[1] At the general election in 1754, the candidates for Oxfordshire were Lord Viscount Wenman, Sir James Dashwood, Lord Parker, and Sir Edward Turner. After a strong contest a majority was declared, at the close of the poll, in favour of Lord Wenman and Sir James Dashwood; but a scrutiny was demanded in behalf of Lord Parker and Sir Edward Turner, and granted by the sheriff, the returning officer. The scrutiny not having been completed by the day on which the writ was returnable, the sheriff made a double return of the four candidates. The election was ultimately decided in favour of Lord Parker and Sir Edward Turner

even he abandoned it, in a despair of being able to accomplish any system of management from which many evils and various disadvantages, impossible to be remedied, might not flow. All attempts to regulate scrutinies by Act of Parliament were then, consequently, given up. The learned gentleman (Mr. Hardinge) will excuse me, if I cannot easily believe that he will effect that which Lord Mansfield relinquished as impracticable; and even this consideration would be an additional motive with me in not hastily assenting to a bill of the complexion suggested by him to the House upon the present subject.

I have said that this business had no precedent in the annals of Parliament. The gentlemen on the other side (the Ministry) do not attempt, because they dare not, to show that this high bailiff is justified by any. The only cases they venture to touch upon are, the cases of Oxford and Westminster; and yet these two cases are fundamentally and altogether against them. Could they cite any instances more apposite, undoubtedly they would never have alluded to those which, under a hope of giving some colour to the matter in question, do absolutely, positively, and substantially make against them. If out of the mass of precedents I were to choose one, to prove the grossness of this proceeding, I think it would be the very case of Oxfordshire. The candidates who, at that election, were lowest on the poll, demanded a scrutiny, and the sheriff granted it. Every one knows that the sheriff carried his partialities for the losing candidates, who demanded the scrutiny, to the greatest lengths; yet, partial as he was, and although his friends were diminishing their

opponent's majority daily by the scrutiny, he gave them notice that his duty bound him to stop the scrutiny, for the purpose of making his return on the day the writ was returnable: he accordingly stopped it, and made his return. If this sheriff, interested as he was for those who were gaining by the scrutiny, conceived it possible for him to be sanctioned by any law or precedent in making a special return, and going on with the scrutiny, would he not have done so? Undoubtedly he would; and the kind of return he made, proves that he would if he thought he might. Unwilling that those who were obnoxious to him should sit in the House, he returns all the four candidates; and this he does as the last and greatest act of friendship he could confer on his friends, previous to the extinction of his authority, namely, the return of the writ. I do not say that in making this double return the sheriff did right: but, right or wrong, it proves this—that all the service he could render his friends he did. Does any one doubt that the two candidates, thus aided by the sheriff, and in the act of growing daily upon their adversaries by the scrutiny, would not prefer the partial, the kind and favouring tribunal of their determined friend the sheriff, to the House of Commons, had they supposed that anything could justify him in continuing the scrutiny after the meeting of Parliament? But so frightful an idea was never cherished; and they held themselves bound for ever in gratitude to the sheriff for having included them in his return. An honourable gentleman, whom I see in his place, but who I believe neither sees nor hears me at this moment (Mr. Jenkinson), knows full well that all I am

stating relative to the Oxfordshire election is strictly true. He cannot easily have forgotten the part he took in that memorable transaction. He engaged eagerly in the contest, and embarked in that interest, which I should certainly have embraced, had I been of an age to form an opinion and to act upon it. That honourable gentleman can attest the veracity of this recital; but it were vain flattery, I fear, to hope that he will rise up to-night and vindicate, by his voice and his vote, the principles of the cause he then supported, and which gained his friends the election.

He must remember that a long discussion took place in this House, touching the right of a certain class of copyhold tenants who voted for those who had the majority upon the poll;[1] and that the disqualification of this description of voters seated those in the House who were lowest upon the poll and the scrutiny. And here I must observe, what a strong and unanswerable confirmation of the point I am endeavouring to establish springs from a careful review of the Oxfordshire case. The cause of the unsuccessful candidates was pleaded at the bar by one of the greatest characters of that

[1] See *Parl. Hist.*, vol. xv, p. 431 et seq.; and also Sir William Blackstone's tract, entitled 'Considerations on Copyholders'. The class of copyholders alluded to by Mr. Fox, are those who hold their estates not '*at the will of the lord according to the custom of the manor*', but simply '*according to the custom of the manor*'. In consequence of the proceedings relative to the Oxfordshire election, the 31st Geo. II, c. 14, was passed, by which it was enacted that no person holding his estate by copy of court-roll should vote at the election of any Knight of the Shire within England or Wales under a penalty of £50. By the Reform Act, copyholders are now, however, entitled to vote at county elections.

time, and one of the greatest ornaments of this, I mean Lord Camden, *quem gratia honoris nomino*. A question was agitated to ascertain a peculiar qualification, which bore the most inauspicious, and, as it afterwards proved, the most fatal aspect towards his clients. If any objection to determine the point upon that ground could possibly be supported, does any one doubt that his ingenuity and penetration would not have discovered it? Does any one doubt that he would have enforced that objection with all that perspicuity and fervour of eloquence which so much characterize that noble lord? But the idea of a sheriff withholding a return, on account of a scrutiny, never once occurred to him, nor to those who managed it within the bar; nor do I believe, until this time (to answer the laudable purpose of the present moment) did it ever enter into the head of any man as legal or practicable. So much for the Oxfordshire case, which, I maintain, goes with us in all its points and principles.

With respect to the Westminster case, in 1749, a learned gentleman (Mr. Hardinge), who has spoken with much liveliness, but without one word of legal argument, tells you, the scrutiny then and the scrutiny now are cases exactly in point. In contradiction to that, I affirm, that not the least similitude subsists between them. In this case, the writ is returnable upon the 18th day of May; in that, no precise time was mentioned for the return; and here consists the whole difference. Every one knows that the election of Trentham and Vandeput was upon a vacancy, in consequence of Lord Trentham's accepting a seat at the Board of Admiralty. Upon a general election, the king

calls a Parliament for the dispatch of great and urgent affairs, and he calls it to meet upon a particular day: now, sir, observe, if there be no compulsion upon returning officers to make their returns by that express time, what is to become of the great and urgent affairs for the dispatch of which His Majesty calls a Parliament?

Can you reconcile for one moment, that the nation should be bound by laws and burthened with taxes to which they did not consent; that the king should have no Parliament, and the people no representatives, to dispatch the weighty and urgent affairs they are called to consider by a particular day, only because it is the whim, or fancy, or wickedness, of a returning officer, at his leisure, to keep them employed in the long laborious business of a scrutiny? But, during the existence of Parliament, when a writ issues upon a vacancy, no particular day is named for its return. A poll or a scrutiny (which means only a continuation of the poll in another form) may be carried on, because it does not in the least infringe upon the exigency of the writ; because no particular time is mentioned for the return, and because His Majesty does not call upon that individual representative to come upon a precise day, for the dispatch of great and urgent affairs that affect his people, as upon a general election. This, therefore, constitutes the distinction; and it is a wide and a material distinction. The grievance from the absence of one representative is slight, and the law in that case admits a scrutiny; but, in the other case, to withhold the return beyond the time appointed, is infringing the exigency, and violating the terms on which it was issued; which

are, that the Parliament must meet upon that express day, for that express purpose.

Why there should be this distinction—why the compulsion of a return, by a specified period, should not exist, as well in cases of vacancy as of general election, is not now the point in dispute. If it be, as I think it is, a defect, it only serves to prove, that in the best works of human wisdom there are flaws and imperfections. Our aim is to find out what is the law, not why it is the law; and, from the whole, it is clear, that the high bailiff of Westminster, in overstepping this distinction, and granting a scrutiny to commence after the day of the general return, has broken every statute that appears upon this subject in your books, and gone in the face of every precedent that can be found in your journals.—[Mr. Fox said a few words upon the Carnarvon case, and upon something that fell from the Master of the Rolls upon it. The Master of the Rolls made a short observation.]

The third ground, resumed Mr. Fox, upon which I shall take up this subject, is upon that of the analogies of law; and upon this I shall detain the House only with a few words; not only because my ignorance of that profession disqualifies me from treating the point fully, but because all that can be said has been urged, with the greatest force and effect possible, by the learned gentlemen who appeared at your bar in my behalf; the proof of which is, that not a position they have advanced upon the legal analogies has been controverted by the learned gentlemen who pleaded for the high bailiff without the bar, or those venerable judges and crown lawyers who have attempted to defend him within the bar. Little, therefore, remains for

me to say ; but, little as I affect to have of information upon this part of the subject, I have enough to know, that wherever the gentlemen on the other side have attempted to assimilate this case with legal analogies they have completely and entirely failed. They have endeavoured to establish, that an officer may go on to execute the object for which the writ was issued from the courts in Westminster Hall, even after the day on which the writ is returnable. Yes, sir, he may go on ; but how ? Upon the authority of the expired writ ?—No, by no means. He goes on by a new power given him by that court whence the writ originally issues, to complete that which the premature expiration of his first commission prevented his accomplishing. In a word, the court has the power of rendering effectual its own process, and therefore grants a writ of *venditioni exponas*, where the sheriff has not been able to sell the goods levied under the first writ ; and many other writs of different titles, for the purpose of completing that process the court has begun. But has any man said, that without a fresh authority, any sheriff, or any officer of any court of law, can proceed a single step under the old writ one single hour after the day named for its return ? I say, no, sir. There is not one man, however ignorant in other things, who does not know that all the authorities of all writs are defunct and extinct on the day named for their return. It is admitted, that the court can grant a new power to complete its own process. Now, sir, to show the gentlemen on the other side that they have not a shred of analogy to support them, I will suppose, for a moment, that the writ under which

the high bailiff carried on this election had been issued from this court; what writ, or what legal authority, can you give him to finish that which, he says, is still depending? None, I say, sir. A court of law can effectuate its own process, by giving its officer a new power on the demise of the old; but did you ever hear of one court granting an authority to accomplish the purpose of a writ issued from another? Never. Such a thing was never heard of. And how stands the fact here? that the Court of Chancery issues the writ, and the House of Commons (another court) is to send forth a fresh writ, to finish that which has not been finished under the king's writ issuing from Chancery, the duration of which ceased on the 18th of May. See the infinite absurdity into which these poor attempts to make out analogies involve the supporters of the high bailiff. Will they say, though this House cannot issue a supplemental power, the usual officer for making out parliamentary writs can? Try it, sir, and you will puzzle all the writ-framers belonging to the House. I will venture to say, that all the skill of the Crown-Office, and all the skill of the Court of Chancery combined, will be at a loss in what shape or mode to frame an instrument so exotic and hideous. I will not push this point farther, satisfied that no candid man can have a second opinion upon the subject; and shall conclude this part of my speech with affirming, that the statutes, the precedents, and analogies of law, assert and establish the truth of my honourable friend's motion; and that, by those three tests, I am clearly entitled to the judgement of this House against the conduct of the high bailiff of Westminster.

The fourth and last ground of consideration, is upon that of expediency, upon sound sense, and general policy; and here I shall have as little trouble as upon the three former grounds to establish every position, and to show the House the iniquity of this proceeding. The conduct of this bailiff not only violates the spirit and letter of every law, but absolutely, in so far, subverts the main principles of the British constitution. When the king calls a new Parliament, the fair presumption is, that the 'great and urgent affairs', for which he calls them together, demand their immediate deliberation. It is clear that our ancestors were extremely cautious that nothing should prevent or obstruct their meeting; and, lest returning officers should be instrumental to this obstruction, all the statutes, and all the precedents that bear upon this matter, confirm their jealousy and prove their diligence to guard against abuses. The misconduct of returning officers, the facility of the evil, and the dangerous consequences resulting from it, were the evident and avowed cause of making those laws which I have mentioned, and which were avowedly intended to restrain them. Let but the conduct of the high bailiff of Westminster be sanctified this night by this House, and I challenge the ingenuity of mankind to show a more effectual mode of putting the nation into the hands of returning officers.

What security can any man have that a Parliament shall meet when the king calls it, if you establish this precedent? An honourable friend of mine, who has this day spoken for the first time (Sir James Erskine), and who has exhibited a power

of fancy, and force of argument, that give a high promise of his making a splendid figure in this House, has said, it was possible the House of Commons of England might, upon the assembling of a new Parliament, be confined to the members from Scotland, where all scrutinies precede elections, and where the positiveness of the law prevents the commission of these knaveries. Now, although the brilliant fancy of my honourable friend might, perhaps, have stretched the possibility a little too far, is there a man who will engage, that this case once sanctified, the example will not be followed to the most calamitous excess? The exact number of five hundred and thirteen English members might not, indeed, be absent upon the meeting of a new Parliament; but will any man say why twenty, why sixty, why one hundred, nay, why two hundred, might not, by the ignorance, by the caprice, by the folly, by the stupidity, or (what is more analogous to the case in question) by the baseness or treachery of a returning officer, remain unreturned? Here I must notice the low, the little, the miserable allusions which are so frequently made, by those over against me, to the place that did me the honour of sending me to Parliament; but it is a poor and a pitiful kind of triumph. Much as they may affect to exult, nothing can be clearer than their disappointment upon the occasion; and the petition lately presented against my seat for Kirkwall, proves their mortification to a certainty. And indeed it appears from the conduct of Government, that Scotland is the only place that could return me, as the same shameless persecution would, no doubt, have followed me in any other place in England.

Fortunately there was one part of the kingdom where their oppression could not prosper, and from which their violence and injustice could not exclude me.

Sir, I do really believe that the supporters of this extraordinary business look but a short way, and do not at all calculate or count upon its probable effects. If there had not been an Act of Parliament expressly to regulate scrutinies in the city of London, who can say that, at this moment, when laws are to be made as serious and interesting as any that ever passed in this country; when great and weighty impositions must be laid upon the subjects; when new and important regulations are to be entered upon, concerning the commerce, the credit, and revenues of the nation—who can say that at this time the capital of the country, so deeply and supremely interested in all these objects, might not be deprived of representation as well as the city of Westminster? But, sir, I beg pardon—I am doing injustice. The sheriffs of London are too well acquainted with their duty, and too zealous for the honourable discharge of it, to have been guilty of so gross an outrage upon the laws of the land, or lent themselves to be the vile and sordid instruments of so base a business.

But the character of an officer is a weak security against the abuse of an office. Under men less informed and less tenacious of their official reputation, who can say (if an express act had not rendered it impossible) that the patrons of Sir Cecil Wray, who are also the patrons of Mr. Atkinson, might not practise the same stratagem in the city of London, and, by that manœuvre prevent the wishes and the sentiments of the capital from being

declared in this House, through the constitutional organ of their representatives ? They, sir, I affirm, are weak and foolish men, rash and giddy politicians, who, by supporting a measure of this kind, become parties in a precedent capable of producing consequences which strike at the source and root of all legislation. For it is the fundamental maxim of our constitution, that the consent of the people, by their representatives, is essential and indispensable to those laws that are to govern them.

Upon this, however, a curious sort of reasoning is adopted ; and a noble lord (Mulgrave) sees no evil in a defect of representatives for Westminster, as it is virtually represented by those who sit here for other places. In the principle that every member is bound to the common interest of all, I certainly do agree ; but I beg leave to set myself wholly against the general argument of virtual representation. We have too much of virtual, and too little of real, representation in this House ; and to the present hour, I never heard that the most determined enemy to a parliamentary reform ever urged that the virtual representation of the country was so complete a substitute for real representation, as to deem it wise and salutary upon slight occasions, or upon any occasion, to lessen that which is already much too little. The whole tide of reasoning has, on the contrary, run in the other channel, and the great argument for a parliamentary reform has been founded upon this very defect of real representation, which the noble lord over against me is so zealous to diminish. As the honourable gentleman near him, however (Mr. Pitt), is the professed friend of that reform in the representation of the people of the

country, which I have in common with him so long laboured in vain to accomplish, I shall hope to see him stating this very case of Westminster, to induce the House to adopt the motion which will be made upon that subject by my honourable friend (Mr. Sawbridge) in a few days. Of the prosperity of that motion I now entertain real confidence; the boasted power in this House of the right honourable gentleman ensures success to any measure he abets. No question therefore can be entertained of attaining it, if the honourable gentleman is serious upon the subject; for surely the people of England can never be persuaded, that the majority which supported the minister in vindicating a direct violation of the law of the land, in the person of Mr. Corbett, could have failed him in endeavouring to effect an object so long looked for, so loudly called for, and so essentially necessary to the security of the constitution and the good of the nation, as a reform in the palpably defective representation of the people in this House.

The same noble lord attempts to strengthen his cause with a species of argument still more extraordinary, if possible, than the former, although of nearly the same nature. He tells you, that representing Westminster has been a mere naval honour; and, after stating the choice of Lord Rodney when on foreign service, leads you to this inference, that the electors of Westminster are wholly unsolicitous whether they are represented or not. This is rating the electors of Westminster at a low estimate indeed; but I, sir, who know them better than the noble lord, deny that they are so insensible to the blessings of the British

constitution as his argument pretends. The electors of Westminster have rescued themselves from this imputation, sir; they are seriously anxious to be represented, and they tell you so. But I remember when absence was deemed a disqualification for naval officers upon a Westminster election. I remember, when Lord Hood was in the zenith of his fame, that a person now in my eye (Lord Mahon) urged his absence to the electors as a ground of rejection, and advised them to prefer Sir Cecil Wray, who was present and able to represent them, to Lord Hood, who was absent and unable. This, though not my argument (whose opinion is uniformly that all electors of all places should elect the men of their choice), was the exact argument of the present supporters of Lord Hood, in favour of Sir Cecil Wray, who then opposed him, but who now (in his enmity to any junction after past opposition, in his utter abhorrence of all coalitions) is linked with that very Lord Hood in ties of friendship and good faith, which he certainly never will violate.

Efforts, sir, have been made to explain the Act of George II to the exculpation of this high bailiff; and his supporters affect to justify him upon his declared difficulty in making up his conscience.[1] Why, sir, the very Act they attempt to shield him under is his strongest condemnation. The oath imposed in that Act only binds him to decide to the best of his judgement. Lives there one man who shall say, 'This man would have incurred the

[1] The statute alluded to, 2 Geo. II, c. 24, imposes an oath on all returning officers to 'return such person or persons as shall to the best of their judgement appear to have a majority of legal votes.'

penalties of perjury if he had returned the majority upon the poll ?' Lives there one man who thinks the disquietude of his conscience alone prompted him to make the return he has made, when they must see a thousand instances every day of decisions of conscience, in cases a thousand times more ambiguous and solemn ? I will ask the House, whether this high bailiff has appeared to them, in the course of this business, so spotless, so immaculate, so consistent, as to induce them to give him credit for a delicacy of nerve and a tenderness of scruple, beyond any other man living ? Every person in the exercise of a judicial function stands precisely in his predicament. What should become of us, if a judge were for ever to delay justice until he could make up his conscience to the minutest point of precise accuracy upon every doubt ? There are few cases upon which a man cannot form some opinion : all that is required here is, to form the best opinion he can ; and if seven weeks did not afford the high bailiff time enough to determine, it is surely hard with those who are obliged to decide almost immediately in the most important interests of humanity. My honourable friend who made this motion, with that weight and wisdom that accompany all his observations, has adverted to the case of jurors. Have you, then, patience at this man's pretence of conscience, when you reflect that twelve men must all concur before they go out of court in a judgement which, perhaps, consigns a fellow creature to an ignominious death ? the case may be doubtful too, and they must all concur in a few hours at most.

It is unnecessary to push this point further.

I appeal to the House. There are feelings which even party prejudices cannot dispossess us of. We owe to each other a certain candour; and I am sure I should be thoroughly satisfied to put this matter to the private answer of any man who hears me, if I were only to ask him, upon his honour as a gentleman, whether he really believes the return of this high bailiff is an act of conscience? And whether he thinks, if I stood in Sir Cecil Wray's place, and he had my majority, that we should ever have heard of this man's difficulty in giving judgement or ever been insulted with this mockery of his scruples?

'To show, in another striking point of view, that this scrutiny is against the law, let the House reflect, for a moment, upon its utter inefficacy to enable the high bailiff to form a judgement; as that is the pretended cause of it. What means has he of exploring those things which he now affects to entertain doubts upon? He can command no witness; he can compel no appearance; he has no legal authority of penetrating the obscurity of any fact like other judges; he can administer no oath; he can impart no remedy to the party aggrieved, by so tedious and vexatious a process; he can award no costs; he can try no offence that occurs in the execution of this important duty; he is governed by no precedents; he is bound by no decisions; what he affirms to-day he may deny to-morrow; he has, in a word, all the means of doing injustice, and no one power or competent faculty to do justice. Yet to this species of tribunal is this House going (in violation of law and practice) to send me and my cause, on purpose to evade one which is fully adequate,

effective, and vigorous: I mean a committee under Grenville's Bill.

A noble lord expresses his suspicions of the sincerity of my praises of Grenville's Bill, and says, he imagines there is 'a snake in the grass.' It is most true that I have had my doubts upon the effects of that bill when it first passed into a law. But, sir, it is exerting the worst tyranny upon the understanding of men, if they are to be for ever condemned for having entertained doubts upon a subject purely theoretical. Extinct is every idea of freedom, and lost is the boasted liberty of debate, and the spirit of free-thinking in this country, if men are to be debarred from profiting by practice, and changing opinion upon the conviction of experiment. All I can say, sir, is that the many salutary effects of that bill have long since completely converted me; and I do assure you, in great sincerity, that no man living reveres and loves it more than I do. There can be no stronger proof of its superior excellence, than that the evasion of it is the only possible means by which His Majesty's ministers could perpetrate this gross act of injustice. The most infallible of all tests, the test of repeated practice, asserts its virtues; and my attachment to it is not a little increased, for that it resembles that inestimable right,—one of the few that Englishmen have yet to boast—the trial by jury. Oh, that it were possible to mould this House into the size and character of a jury—of twelve men acting, indeed, upon conscience, and sworn upon oath, to give a true verdict according to evidence! How easy should I feel concerning the issue of this discussion!

In addition to all these arguments, will the House

reflect that this scrutiny is not final in deciding the right of sitting here? Will they reflect that, after all the waste of time, after all the expense, all the labour, all the fatigue, which are indispensable upon it, its termination (whenever it may happen) is but the commencement of another process, before a judicature capable and competent to administer justice, with a new series of expense, and labour, and fatigue? And who can tell us when this scrutiny shall conclude? The granting it is not more illegal and oppressive than the duration is uncertain and indefinite. Who can promise when such a conscience as Corbett's will be quieted? And who will venture to say, that after one, two, three, or ten years' investigation, the high bailiff's conscience may not be as unsatisfied, even upon the scrutiny, as it appears at this moment, after a seven weeks' poll?

'But,' say the supporters of the high bailiff, 'this House will take care that there is no vexatious delay in the business, and will, from time to time, call upon him for a return, or for the cause that may prevent his making one.' I understand that argument perfectly well, sir; and it is of itself sufficient to show the grossness of this proceeding. When the bailiff will be called upon to make a return, and when he will obey that call, can be very easily conceived indeed. If it were possible for this man, in the course of this scrutiny, to strike off from my numbers so many as would place Sir Cecil Wray on the head of the poll, I have not the smallest doubt that all delays subsequent to such an event would appear just as frivolous, as vexatious and oppressive, to the gentlemen on the opposite bench (the Ministry), and to the high

bailiff's conscience, as the whole proceeding now appears to me and to the injured electors of Westminster. Upon all the considerations, therefore, that I have mentioned—the inordinate expense; the inefficacy of the tribunal; the obvious necessity of afterwards resorting to a more adequate and competent judicature; the certainty that this precedent will be the source of future oppressions; the dangerous example of it to other returning officers, who, under the sanction of this case, can give full scope to their partialities, their caprices, and corruptions; the circumstance of depriving so great and respectable a body of men of their representation in this House; the recognizing that dreadful doctrine, that a king may be without a Parliament, and the people without representation, at the mere will and bare discretion of any low, mean, ignorant, base, and wretched being, who may happen to be a returning officer; from all these considerations, therefore, I am convinced, and I hope I have convinced this House, that if no statute could be found upon the subject, that if the common law were silent, and that legal analogies gave no light upon the subject, even upon the grounds of common sense and expediency, the law is clear and intelligible. But, when all these concur to define and to decide the law; when positive statutes, when practice and precedents, when the analogies of law, and the arguments of expediency, founded upon the immutable principles of wisdom, reason, and sound policy, all combine and unite to establish and to assert it, can I have any fear to say that this motion ought to pass, and that the high bailiff of Westminster, instead of being permitted to proceed

with this scrutiny, should instantly make a return of members for the city of Westminster ?

Some gentlemen have argued that this motion does not agree with the prayer of the petition : let it be recollected, sir, that the petition was presented by me with a view of its being referred to a committee. [Here the minister gave a token across the House, as if to deny the fact.] Really, sir, if there is not enough of candour to admit this assertion without being explained, there seems but little chance of a fair hearing, or of a fair construction, upon points much more material. I again declare it was presented for the purpose I have described. A majority of this House decided that the petition was not cognizable by Mr. Grenville's Bill ; and it was upon a suggestion from the other side of the House, that I presented it the same day to save time, and prayed that counsel might be heard at the bar in favour of it. The sole object of that petition was, that this House might order such a return as would come under the jurisdiction of a committee ; the motion before you goes precisely to the same point, and to no other.

To that argument, if it deserves the name of argument, that we are inconsistent in desiring the high bailiff to make a return, when we contend that all his authority under that writ is completely defunct, it is almost unnecessary to reply, because it evidently defeats itself. In contending that the high bailiff was *functus officio* on the 18th of May we are fortified by law ; and in desiring he would make some return, we are justified by precedent.

We contend, and contend with truth, that the writ under which the high bailiff carried on the

election, being returnable on the 18th of May, on that very day deprived the bailiff of all judicial authority, and divested him of all legal power under that writ. To proceed with a scrutiny is a great act of authority; to tell us who have in his opinion the majority of legal votes, is not. That this House should order a returning officer to commence a scrutiny several days after the positive day on which his writ was returnable, cannot be paralleled by a single case in all the history of Parliament; that it should order a returning officer, who tells you he proceeded to an election, carried on a poll for a sufficient time, and that he then closed that poll of his own authority, to make a return, has happened again and again. We do not desire him to exercise any jurisdiction under that writ now, we only desire him to acquaint us with the fruits of the jurisdiction which he has exercised under it. 'I have done so and so,' says the high bailiff. 'Tell us what you mean,' is all we say. 'I have, on such a day, proceeded to an election,' says he; 'I have carried on a poll for forty days; I have, on the day before the return of the writ, closed that poll of my own authority.' 'All this we understand; in all this you did your duty; only tell us who are the candidates chosen upon this long poll? We do not mean to say you have at present any authority to do anything under that writ; all we want to know is, what you have done when you had authority under it?' Let the House reflect upon this fair and reasonable distinction, and they will see the paltriness of those quibbles, the misery of those low subterfuges, which imply that we would bring 'a dead man to life', and which

imply an inconsistency between the motion and the arguments advanced in support of it.

What, I beg leave to ask, has appeared to the House extraordinary or uncommon in the election for Westminster, that justifies this matchless violence? In all the variety of evidence they have heard at the bar, has there been a proof of one single bad vote on my side? Not one. But there was much hearsay that I had bad votes. Sir Cecil Wray and his agents told the high bailiff they heard I had. Good God, sir, am I addressing men of common sense? Did any of you ever yet hear of an election wherein the losing candidate did not charge bad votes and bad practices upon the fortunate candidate? Peevishness upon miscarriage is, perhaps, an error, but it is the habit of human nature; and was the high bailiff so unhackneyed in the ways of men as to be unapprised of this frailty; or, are the discontents of Sir Cecil Wray, and the loose accusations of his agents, the extraordinary things which the House sees in the Westminster election, to justify this proceeding? Is the length of the election one of these uncommon incidents? By no means. The same thing happened at Bristol, where, without doubt, a scrutiny had been granted if the returning officer had thought the law would bear him out in it. The same thing happened at Lancaster, where a scrutiny was demanded and refused; and where, when the connexions of one of the candidates [1] are considered, no doubt can be entertained that every stratagem to procrastinate, every

[1] Mr. Lowther, nephew of Sir James Lowther, who had been just (May 24, 1784) raised to the peerage by the titles of Baron and Viscount Lowther and Earl of Lonsdale.

scheme to perplex, every expedient to harass, all that a disposition, not the mildest when victorious, nor the most patient when vanquished, all that wealth, all that the wantonness of wealth could do, would have been exerted; and where a plan so admirably calculated for litigation, for vexation, for expense, for oppression, as a scrutiny, would not have been omitted, were it found legal or practicable.

Let the House reflect for a moment upon the facility of a collusion in a case of this sort, to keep a candidate from his seat, whose right to it is clear, unquestioned, and unquestionable. Suppose that not one single bad vote had been given for Lord Hood in the late election, and that the noble lord were not (he best knows why) resigned and easy under this proceeding. What could be more hard and cruel than his situation? Does not the House see that ministers will be enabled by this precedent, to exclude an obnoxious candidate for an indefinite space of time, even though his majority be the most undoubted possible, and his election the fairest in the world? It is only for the losing candidate to demand, and for the returning officer to grant a scrutiny. These are some of the evils that present themselves upon the recognition of this practice, as right and legal. For my part, I see nothing in the late election for Westminster peculiar and distinct from many other elections, but this singly—that I was one of the candidates. In that light it is already seen by every cool, dispassionate, and sensible man; and that the whole nation will contemplate and construe the business of this night as an act of personal oppression, I am thoroughly convinced; nor can they

think otherwise, when they learn that, in all the law-books of this country, in all your journals, in all the histories of Parliament, in all the annals of elections, in this great land of elections, where, from time to time, all that power, all that ingenuity, all that opulence could devise or execute, has been tried in elections; where, in the vast mass of cases that have happened, in all the multiplied variety of singular and curious contests we read and hear of, nothing is found that assimilates with or authorizes this scrutiny, under these circumstances, not even by the worst of men in the worst of times.

Sir, I will acquit the right honourable gentleman over against me (Mr. Pitt) of being the author, or of being a voluntary instrument in this vile affair; and in that concession, sir, I do not give him much—it is but crediting him for a little common sense, indeed, when I suppose that, from a regard to that government of which he is the nominal leader, from a regard to his own character with the world at this time, and his reputation with posterity, he acts his part in this business not without concern. That he may be accusable of too servile a compliance is probable enough; but of a free agency in it I believe he is guiltless. Not to him, sir, but to its true cause, do I attribute this shameful attack: to that black, that obstinate, that stupid spirit, which, by strange infatuation, pervades, and has pervaded, the councils of this country, throughout the whole course of this unfortunate and calamitous reign; to that weak, that fatal, that damnable system, which has been the cause of all our disgraces, and all our miseries: to those secret advisers, who hate with rancour, and revenge with cruelty. To

those malignant men, whose character it is to harass the object of their enmity with a relentless and insatiate spirit of revenge ; to those, sir, and not to the honourable gentleman, do I impute this unexampled persecution.

Having said so much as to the real authors of this measure, there remains another consideration with which I am desirous to impress the House ; it is a consideration, however, which, in policy, I ought to conceal, because it will be an additional incitement to my enemies to proceed in their career with vigour ; but it will, nevertheless, show the extreme oppression and glaring impolicy of this scrutiny. I mean the consideration of expense.

I have had a variety of calculations made upon the subject of this scrutiny, and the lowest of all the estimates is £18,000. This, sir, is a serious and an alarming consideration. But I know, it may be said (and with a pitiful triumph it, perhaps, will be said), that this is no injury to me, inasmuch as I shall bear but a small part of the burthen. But this, sir, is, to me, the bitterest of all reflections.

Affluence is, on many accounts, an enviable state ; but if ever my mind languished for and sought that situation, it is upon this occasion ; it is to find, that, when I can bear but a small part of this enormous load of wanton expenditure, the misfortune of my being obnoxious to bad men in high authority should extend beyond myself : it is, when I find, that those friends whom I respect for their generosity, whom I value for their virtues, whom I love for their attachment to me, and those spirited constituents to whom I am bound by every tie of obligation, by every feeling of gratitude,

should, besides the great and important injury they receive, in having no representation in the popular legislature of this country, be forced into a wicked waste of idle and fruitless costs, only because they are too kind, too partial to me. This, sir, is their crime, and for their adherence to their political principles, and their personal predilection for me, they are to be punished with these complicated hardships.

These, sir, are sad and severe reflections; and although I am convinced they will infuse fresh courage into my enemies, and animate them the more to carry every enmity to the most vexatious and vindictive extremity, still it shows the wickedness of this scrutiny, and the fatality of its effects as an example for future ministers.

Little remains for me now to say upon this subject; and I am sure I am unwilling to trespass more upon the House than is barely necessary. I cannot, however, omit to make an observation upon an argument of two learned gentlemen (the Lord Advocate and Mr. Hardinge), who concluded two very singular speeches with this very singular position: That the House had only to choose between issuing a new writ, or ordering the scrutiny; that, in its lenity, it might adopt the latter method, but that their opinion was, for issuing a new writ. Now, sir, if I, who think the old writ totally annihilated; who think that its powers and authorities have been completely extinct since the 18th of May, had delivered such an opinion, there would have been nothing in it inconsistent; and I should certainly be for issuing a new writ in preference to a scrutiny, if the law, the reason of the thing, and practice of Parliament, did not

convince me, that the high bailiff having finished the election on the 17th, might make a return as of that day. But for the learned gentlemen who contend that the old writ is still in full vigour and force; who think that the high bailiff has acted constitutionally and legally, and that a scrutiny may go on after the return of the writ; for those gentlemen to assert, that issuing a new one would be the fitter measure, is indeed extraordinary. But, sir, against that position, that the House might order the scrutiny to proceed, as a measure of lenity, I beg leave directly to oppose myself! I beg leave to deprecate such lenity, such oppressive, such cruel lenity!

To issue a new writ is a severe injustice and a great hardship; but if I am forced to the alternative, if I am driven to the necessity of choosing between two evils, I do implore the House rather to issue a new writ, than to order this scrutiny. Nothing can possibly be half so injurious, half so burthensome, half so vexatious to me and to my friends, as this scrutiny; and it is evidently ineffectual, as it cannot be supposed that I should finally submit to the decision of a tribunal from which I have so little justice to expect. There is nothing, I assure the House, to which I should not rather resort, than to the conscience of Mr. Thomas Corbett; upon whom, I do not expect that the translation of the scene from Covent Garden to St. Ann's, or proceeding upon a scrutiny instead of a poll, will operate such conversions as to give me any hope of his displaying any other character, or appearing in any other light, than that in which I have seen him upon many occasions in his official capacity.

Therefore, sir, if it be only the alternative, I beg that the issuing a new writ may be the alternative you will adopt. In that case I assure the right honourable gentleman (Mr. Pitt) that I shall immediately apply to him for one of the Chiltern Hundreds to vacate my seat for Kirkwall, and instantly throw myself, as my only chance for the honour of sitting in this House, upon the good opinion of the electors of Westminster; who, in a season of frenzy and general delusion; who, when artifice, fallacy, and imposture prevailed but too successfully in other parts of the country, discovered a sagacity, a firmness, and a steadiness, superior to the effects of a vulgar and silly clamour; and who, upon the very spot, the very scene of action, manifested that they understood and despised the hypocrisy, the fraud and falsehood which gulled and duped their fellow subjects in other places. In the event of a new election, I do anticipate future triumphs more brilliant, more splendid, if possible, than those I had lately the honour of enjoying. Little fear do I feel of success with the electors of Westminster, who will not, I am sure, abandon me, until I desert those principles which first recommended me to their favour.

A person of great rank in this House threw out a hint or threat, I know not which to call it, in a former debate, 'that I should not again disturb the peace of the city of Westminster.' Good God, sir, did any man ever hear such aggravating, such insulting, insinuations? I disturb the peace of Westminster! Is that honourable gentleman not contented with breaking every law, with violating every statute, with overturning

every analogy and every precedent, to accomplish this business; but must he, at the very moment he thus makes a deep breach in the English constitution, complete the catalogue of injury, by adding pertness and personal contumely, to every species of rash and inconsiderate violence? I! I disturb the peace of this city, who have three times had the honour of representing it in this House! I! who was favoured with the free suffrages of its electors, long, long before any of those who lately opposed me were ever talked of, ever thought of, for such a distinction! Every man qualified to sit in Parliament has a right to offer himself wherever he thinks proper; and it is indecent, daring, and audacious, in any man, to insinuate that he ought not to disturb the peace of the place. I, therefore, hope, sir, that a language so peculiarly false and unbecoming towards me, and so directly repugnant to the genius and spirit of the constitution, will meet with the disapprobation it deserves in this House, as it certainly will be received with merited odium and execration out of this House.

Upon the generous protection of the electors of this city I shall certainly throw myself, in case of a new writ; and, in doing so, sir, well I am aware what series of various difficulties I have to encounter. Expenses at elections, in despite of every effort to reduce them, still continue most exorbitant; and how ill-matched in funds and certain inexhaustible resources I stand with my opponents, is, indeed, very unnecessary to explain. But, sir, it is not in the article of expenses that I should most dread the operation of that power that sustains my adversaries: that power which

discovers itself in characters that cannot be mistaken through every part of this transaction. I must be blind not to see that the hand of Government appears throughout this matter. When I consider the extreme care employed in preparing it for the measures which have been taken in this House in consequence of it; when I consider the evident determination not to let it rest here; when I consider the extraordinary zeal and anxiety of particular persons in this House to shelter and to sanctify this high bailiff; when I consider the situation of those who take the lead and are most active in his vindication; when I consider the indifference of my adversaries to the expenses which result from this scrutiny, but which expenses must be a severe stroke upon the spirit and independence of those by whom I am supported; when I consider that all that artifice could dictate, and power could execute, have been exerted upon this occasion, I can have no doubt that the hand of a revengeful Government pervades it all. The opposition of such a Government upon an election, is a discouraging circumstance; and the likelihood of renewing again those events which I have witnessed within the last two months, is indeed a formidable and terrific prospect.

When I look back, sir, to all the shameful and shocking scenes of the Westminster election; when I consider that my enemies practised all that was possible of injustice, indecency, and irreverence, in their efforts to overwhelm me; when I consider the gross, the frontless prostitution of names too sacred to be mentioned; when I consider that all the influence of all the various branches of Government was employed against me, in con-

tempt of propriety and defiance of law; when I consider, that a body of men was brought, in the appearance of constables, to the place of election, under the command of a magistrate, and against the express opinion of all the other magistrates of Westminster; that these constables broke that peace they were bound to preserve, and created a riot, which proved fatal to one of their own body; when I consider, that this was made the pretence of a wanton, an indecent, and unconstitutional, introduction of the military, in violation of all that has been done by our ancestors to keep sacred the freedom of election; when I consider, that the lives of innocent men were deemed light and trivial impediments to the gratification of that implacable spirit of revenge, which appears through the whole of this business; when I consider, that several men of the lower order of life, whose only crime was appearing in my interest, were confined many weeks in prison and obliged to stand trial,[1] and that others, of the higher rank, ingenious and amiable men, valuable for their qualities, respectable for their characters, distinguished for their abilities, and every way meriting the esteem of mankind, were also attacked without the show of a pretence, and obliged to undergo the ceremony of a public acquittal from the foul crime of murder; when I consider that palpable perjury and subornation of perjury were employed to accomplish the sanguinary object of this base conspiracy; when

[1] These men were tried at the bar of the Old Bailey, and acquitted. A bill of indictment was also found against Mr. O'Bryen, but no evidence was produced against him in court.

I consider that the malignity of my enemies has stopped at nothing, however gross and wicked, to ruin me and all that appeared in my interest; when I consider all this, sir, I cannot, indeed, but look with some anxiety to the circumstance of a new election.

I am not, sir, it is well known, of a melancholy complexion, or of a desponding turn of mind; yet the idea of again combating this host of oppressions might, in other situations, deter me from the risk. But I owe too much to the electors of Westminster, ever to abandon them from the dread of any consequences; and I do assure you, that I should conceive a new writ, with the hazard of all these hardships, as a great indulgence and favour, compared to that mockery, that insult upon judicature—a scrutiny under Mr. Thomas Corbett.

Sir, I have nothing more to say upon this subject. Whatever may be the fate of the question, it will be a pleasing reflection to me, that I have delivered my opinions at full upon a point so important to that great and respectable body of men to whom I am so much indebted; and I sincerely thank the House for the honour of their patience and attention through so long a speech.

To the honourable gentleman over against me (Mr. Pitt) I will beg leave to offer a little advice. If he condemns this measure, let him not stoop to be the instrument of its success. Let him well weigh the consequences of what he is about, and look to the future effect of it upon the nation at large. Let him take care, that when they see all the powers of his administration employed to overwhelm an individual, men's eyes may not

open sooner than they would if he conducted himself within some bounds of decent discretion, and not thus openly violate the sacred principles of the constitution. A moderate use of his power might the longer keep people from reflecting upon the extraordinary means by which he acquired it. But if the right honourable gentleman neglects his duty, I shall not forget mine. Though he may exert all the influence of his situation to harass and persecute, he shall find that we are incapable of unbecoming submissions. There is a principle of resistance in mankind, which will not brook such injuries ; and a good cause and a good heart will animate men to struggle in proportion to the size of their wrongs and the grossness of their oppressors. If the House rejects this motion, and establishes the fatal precedent that follows that rejection, I confess I shall begin to think there is little to be expected from such a House of Commons. But let the question terminate as it may, I feel myself bound to maintain an unbroken spirit through such complicated difficulties ; and I have this reflection to solace me, that this unexampled injustice could never have succeeded, but by the most dangerous and desperate exertions of a Government, which, rather than not wound the object of their enmity, scrupled not to break down all the barriers of law—to run counter to the known custom of our ancestors—to violate all that we have of practice and precedent upon this subject, and to strike a deep blow into the very vitals of the English constitution, without any other inducement, or temptation, or necessity, except the malignant wish of gratifying an inordinate and implacable spirit of resentment.

RICHARD BRINSLEY SHERIDAN

June 13, 1788

IMPEACHMENT OF WARREN HASTINGS

[In consequence of Mr. Sheridan being taken suddenly ill, the Court had adjourned till the 13th, when Mr. Sheridan concluded his address.]

Mr. Sheridan began by apologizing for the interruption which his indisposition had caused on the former day. He assured their lordships, in the strongest terms, that nothing but the importance of the cause, to which he felt himself totally unable to do justice, could have made him trespass on that indulgence which, on other occasions, he had so amply experienced.

He had, then, concluded with submitting to their lordships the whole of the correspondence, as far as it could be obtained, between the principals and agents, in the nefarious plot carried on against the Nabob vizier and the Begums of Oude. These letters were worthy the most abstracted attention of their lordships, as containing not only a narrative of that foul and unmanly conspiracy, but also a detail of the motives and ends for which it was formed, and an exposition of the trick, the quibble, the prevarication, and the untruth with which it was then acted, and now attempted to be defended! The question would undoubtedly suggest itself, why the correspondence ever was produced by the parties against whom it was now adduced in evidence, and who had so much reason

to distrust the propriety of their own conduct? To this the answer was, that it was owing to a mutual and providential resentment which had broken out between the parties, which was generally the case between persons concerned in such transactions. Mr. Middleton was incensed, and felt as a galling triumph the confidence reposed by the governor-general in other agents. Mr. Hastings was offended by the tardy wariness which marked the conduct of Middleton; by the various remonstrances by the agent—though, as knowing the man to whom they were addressed, they were all grounded on motives of policy—not of humanity—and of expediency, which left justice entirely out of the question; but the great ostensible ground of quarrel was, that Middleton had dared to spend *two days* in negotiation—though that delay had prevented the general massacre of upwards of two thousand persons! The real cause, however, of this difference, was a firm belief on the part of Mr. Hastings, that Mr. Middleton had inverted their different situations, and kept the *lion's share* of plunder to himself. There were, undoubtedly, some circumstances to justify this suspicion. At the time when Mr. Hastings had first complained, the Nabob's treasury was empty, and his troops so mutinous for their pay as even to threaten his life; yet in this moment of gratitude and opulence, Middleton intimated the Nabob's desire to make Mr. Hastings a present of £100,000. That sacrifice, however, not being deemed sufficient, Mr. Middleton was recalled, and Major Palmer was sent in his room with instructions to tell the Nabob that such a donation was not to be attempted: the prince, however, with an

unfortunate want of recollection, said, that 'no such offer had ever been in his mind'. Thus, it had always been considered as the heightening of a favour bestowed, that the receiver should not know from what quarter it came; but it was reserved for Mr. Middleton to improve on this by such a delicate refinement, that the person giving should be totally ignorant of the favour he conferred!

But, notwithstanding these little differences and suspicions, Mr. Hastings and Mr. Middleton, on the return of the latter to Calcutta in October 1782, continued to live in the same style of friendly collusion and fraudulent familiarity as ever. But when Mr. Bristow[1], not answering the purposes of Mr. Hastings, was accused on the suborned letters procured from the Nabob, one of which pronounced him the blackest character in existence, while another, of the same date, spoke of him as a very honest fellow, Mr. Hastings thought it might appear particular; and therefore, after their intimacy of six months, accuses Mr. Middleton also before the board at Calcutta. It was then that, in the rash eagerness which distinguished his pursuit of every object, Mr. Hastings had incautiously, but happily for the present purposes of justice, brought forth these secret letters. It mattered not what were the views which induced Mr. Hastings to bring that charge; whether he had drawn up the accusation, or obliged Mr. Middleton with his aid in framing a defence; the whole ended in a repartee, and a poetical quotation from the Governor-general. The only circumstance material to the purposes of humanity, was the

[1] Mr. Middleton's successor.

production of instruments by which those who had violated every principle of justice and benevolence were to see their guilt explained, and, it was to be hoped, to experience that punishment which they deserved.

To those private letters it was that their lordships were to look for whatever elucidation of the subject could be drawn from the parties concerned. Written in the moments of confidence, they declared the real motive and object of each measure; the public letters were only to be regarded as proofs of guilt, whenever they established a contradiction. The counsel for the prisoner had chosen, as the safest ground, to rely on the public letters, written for the concealment of fraud and purpose of deception. They had, for instance, particularly dwelt on a public letter from Mr. Middleton, dated in December 1781, which intimated some particulars of supposed contumacy in the Begums, with a view to countenance the transactions which shortly after took place, and particularly the resumption of the jaghires. But this letter, both Sir Elijah Impey and Mr. Middleton had admitted, in their examination at that bar, to be totally false; though if it were in every point true, the apprehension of resistance to a measure, could not, by any means, be made a ground for the enforcement of that measure in the first instance. The counsel seemed displeased with Mr. Middleton for the answer, and therefore repeated the question. The witness, however, did not really fall into their humour; for he declared, that he did not recollect a particle of the letter; and, though memory was undoubtedly not the *forte* of Mr. Middleton, he was not, perhaps,

entirely faulty on this occasion, as the letter was, certainly, of a later fabrication, and, perhaps, not from his hand. This letter, however, was also in direct contradiction to every one of the defences set up by Mr. Hastings. Another public letter, which had been equally dwelt on, spoke of the 'determination of the Nabob' to resume the jaghires. It had appeared in evidence, that the Nabob could, by no means, be compelled to yield to their measures; that it was not until Mr. Middleton had actually issued his own perwannas for the collection of the rents, that the Nabob, rather than be brought to the utmost state of degradation, agreed to let the measure be brought forward as his own act! The resistance of the Begums to that measure, was noticed in the same letter, as an instance of female levity, as if their defence of the property assigned for their subsistence, was to be made a reproach; or, that they deserved a reproof for female lightness, by entertaining a feminine objection to their being starved!

This resistance to the measure, which was expected, and the consoling slaughter on which Mr. Hastings relied, were looked to in all those letters as a justification of the measure itself. There was not the smallest mention of the anterior rebellion, which, by prudent afterthought, had been so greatly magnified. There was not a syllable of those dangerous machinations which were to have dethroned the Nabob; of those sanguinary artifices by which the English were to have been extirpated. Not a particle concerning those practices was mentioned in any of Middleton's letters to Hastings, or in the still more confidential communication which he maintained with Sir Elijah

Impey; though, after the latter, his letters were continually posting, even when the chief justice was travelling round the country in search of affidavits. When, on the 28th of November, he was busied at Lucknow on that honourable business, and when, three days after he was found at Chunar, at the distance of two hundred miles, prompting his instruments, and, like Hamlet's ghost, exclaiming, 'Swear!'—his progress on that occasion was so whimsically sudden, when contrasted with the gravity of his employer, that an observer would be tempted to quote again from the same scene,[1] 'Ha! old Truepenny, canst thou mole so fast i' the ground?' Here, however, the comparison ceased; for when Sir Elijah made his visit to Lucknow, 'to whet the almost blunted purpose' of the Nabob, his language was wholly different from that of the poet: it would have been much against his purpose to have said,

> Taint not thy mind, nor let thy soul contrive
> Against thy mother aught!

On the subject of those affidavits, he would only make another single observation. Sir Elijah Impey had denied all acquaintance with their contents, though he had been actually accompanied to Buxar by Major Davy, who there translated them from the Persian, for the use of Mr. Hastings![2] There was amongst them an affidavit, taken in English, from a native at Buxar, but which was first explained to the deponent by Major Davy,

[1] Act I. sc. v. The line in Shakespeare is, 'Well said, old Mole! canst work i' the earth so fast?'

[2] Major Davy had also, by an affidavit sworn before Sir Elijah Impey himself, testified to the correctness of his translation.

in the presence of Sir Elijah Impey. How far, therefore, the assertion of the chief justice was plausible, and how far this fact was consistent with that assertion, he should leave it to their lordships to determine.

It was in some degree observable, that not one of the private letters of Mr. Hastings had been produced at any time. Even Middleton, when all confidence was broken between them by the production of his private correspondence at Calcutta, either feeling for his own safety, or sunk under the fascinating influence of his master, did not dare attempt a retaliation! The letters of Middleton, however, were sufficient to prove the situation of the Nabob, when pressed to the measure of resuming the jaghires, in which he had been represented as acting wholly from himself. He was there described as lost in sullen melancholy, with feelings agitated beyond expression, and with every mark of agonized sensibility. To such a degree was this apparent, that even Middleton was moved to interfere for a temporary respite, in which he might be more reconciled to the measure. 'I am fully of opinion,' said he, 'that the despair of the Nabob must impel him to violence; I know also that the violence must be fatal to himself; but yet I think, that with his present feelings he will disregard all consequences.' Mr. Johnson, also, the assistant-resident, wrote at the same time to Mr. Hastings, to aver to him that the measure was dangerous, that it would require a total reform of the collection, which could not be made without a campaign! This was British justice! this was British humanity! Mr. Hastings ensures to the allies

of the company, in the strongest terms, their prosperity and his protection; the former he secures by sending an army to plunder them of their wealth, and to desolate their soil! His protection is fraught with a similar security, like that of a vulture to a lamb; grappling in its vitals! thirsting for its blood! scaring off each petty kite that hovers round; and then, with an insulting perversion of terms, calling sacrifice protection!—an object for which history seeks for any similarity in vain. The deep-searching annals of Tacitus—the luminous philosophy of Gibbon—all the records of man's transgressing, from original sin to the present period, dwindle into comparative insignificance of enormity, both in aggravation of vile principles, and extent of their consequential ruin! The victims of this oppression were confessedly destitute of all power to resist their oppressors; but that debility, which from other bosoms would have claimed some compassion, with respect to the mode of suffering, here excited but the ingenuity of torture! Even when every feeling of the Nabob was subdued, nature made a lingering, feeble stand within his bosom; but, even then, that cold unfeeling spirit of magnanimity, with whom his doom was fixed, returned with double acrimony to its purpose, and compelled him to inflict on a parent that destruction of which he was himself reserved but to be the last victim!

Yet, when cruelty seemed to have reached its bounds, and guilt to have ascended to its climax, there was something in the character of Mr. Hastings which seemed to transcend the latter, and overleap the former; and of this kind was the letter to the

Nabob which was dispatched on this occasion. To rebuke Mr. Middleton for his moderation, as was instantly done, was easily performed through the medium of a public and a private letter. But to write to the Nabob in such a manner that the command might be conveyed, and yet the letter afterwards shown to the world, was a task of more difficulty, but which it appeared, by the event, was admirably suited to the genius of Mr. Hastings. His letter was dated February 15, 1782, though the jaghires had been then actually seized, and it was in proof that it had been sent at a much earlier period. He there assured the Nabob of his coincidence with his wishes respecting the resumption of the jaghires: he declares, that if he found any difficulty in the measure, he, Mr. Hastings, would go to his assistance in person, and lend his aid to punish those who opposed it; 'for that nothing could be more ardent than his friendship, or more eager than his zeal for his welfare.' The most desperate intention was clothed in the mildest language. But the Nabob knew, by sad experience, the character with whom he had to deal, and therefore was not to be deceived; he saw the dagger glistening in the hand which was treacherously extended, as if to his assistance, and from that moment the last faint ray of nature expired in his bosom. Mr. Middleton, from that time, extended his iron sceptre without resistance; the jaghires were seized—every measure was carried—and the Nabob, with his feelings lacerated and his dignity degraded, was no longer considered as an object of regard. Though these were circumstances exasperating to the human heart, which felt the smallest remains

of sensibility, yet it was necessary, in idea, to review the whole from the time that this treachery was first conceived, to that when, by a series of artifices the most execrable, it was brought to a completion. Mr. Hastings would there be seen standing aloof indeed, but not inactive in the war! He would be discovered in reviewing his agents, rebuking at one time the pale conscience of Mr. Middleton, and, at another, relying on the stouter villany of Hyder Beg Khan.[1] With all the calmness of veteran delinquency, his eye ranged through the busy prospect, piercing through the darkness of subordinate guilt, and arranging with congenial adroitness the tools of his crimes, and the instruments of his cruelty.

The feelings of the several parties at the time would be most properly judged of by their respective correspondence. When the Bow Begum, despairing of redress from the Nabob, addressed herself to Mr. Middleton, and reminded him of the guarantee which he had signed, she was instantly promised that the amount of her jaghire should be made good; though Mr. Middleton said he could not interfere with the *sovereign* decision of the Nabob respecting the lands. The deluded and unfortunate woman 'thanked God that Mr. Middleton was at hand for her relief', at the very instant when he was directing every effort to her destruction; when he had actually written the orders which were to take the collection out of the hands of her agents! Even when the Begum was undeceived,—when she found that British faith was no protection,—when she found that she should

[1] The minister of the Nabob, but under the control of Mr. Hastings.

leave the country, and prayed to the God of nations not to grant his peace to those who remained behind, still there was no charge of *rebellion*—no recrimination made to all her reproaches for the broken faith of the English; nay, when stung to madness, she asked 'how long would be their reign?' No mention of her disaffection was brought forward; the stress was therefore idle, which the counsel for the prisoner strove to lay on these expressions of an injured and enraged woman. When at last irritated beyond bearing she denounced infamy on the heads of her oppressors, who was there who would not say that she spoke in a *prophetic* spirit, and that what she had then predicted, had not, even to its last letter, been accomplished! But did Mr. Middleton, even to this violence, retort any particle of accusation? No; he sent a *jocose* reply stating, that he had received such a letter under her seal, but that, from its contents, he could not suspect it to come from her; and hoping, therefore, that she might detect the *forgery*! Thus did he add to foul injuries the vile aggravation of a *brutal jest*; like the tiger that prowls over the scene where his ravages were committed, he showed the savageness of his nature by grinning over his prey, and fawning over the last agonies of his unfortunate victim.

Those letters were then enclosed to the Nabob, who, no more than the rest, made any attempt to justify himself by imputing criminality to the Begums. He merely sighed a hope that his conduct to his parents had drawn no shame upon his head; and declared his intention to punish—not any disaffection in the Begum—but some officious servants who had dared to foment the misunder-

standing between them and the Nabob. A letter was finally sent to Mr. Hastings, about six days before the seizure of the treasure from the Begums, declaring their innocence, and referring the Governor-general to Captain Gordon, whose life they had protected, and whose safety should have been their justification. That inquiry was never made; it was looked on as unnecessary; because the conviction of their innocence was too deeply impressed.

The counsel, in recommending attention to the public in preference to the private letters, had remarked, in particular, that one letter should not be taken as evidence, because it was manifestly and abstractedly private, as it contained in one part the anxieties of Mr. Middleton for the illness of his son. This was a singular argument indeed; and the circumstance, in his mind, merited strict observation, though not in the view in which it was placed by the counsel. It went to show that some, at least, of those concerned in these transactions, felt the force of those ties which their efforts were directed to tear asunder; that those who could ridicule the respective attachment of a mother and a son; who would prohibit the reverence of the son to the mother who had given him life; who could deny to maternal debility the protection which filial tenderness should afford—were yet sensible of the straining of those chords by which they were connected. There was something connected with this transaction so wretchedly horrible, and so vilely loathsome, as to excite the most contemptible disgust. When I see (said Mr. Sheridan) in many of these letters the infirmities of age made a subject of mockery and ridicule; when I see the feelings of a son

treated by Mr. Middleton as puerile and contemptible; when I see an order given from Mr. Hastings to harden that son's heart, and to choke the struggles of nature in his bosom; when I see them pointing to the son's name and to his standard, while marching to oppress the mother, as to a banner that gives dignity, that gives a holy sanction and a reverence to their enterprise; when I see and hear these things done; when I hear them brought into three deliberate defences set up against the charges of the Commons, my lords, I own I grow puzzled and confounded, and almost begin to doubt whether, where such a defence can be offered, it may not be tolerated. And yet, my lords, how can I support the claim of filial love by argument? What can I say on such a subject? What can I do, but repeat the ready truths which, with the quick impulse of the mind, must spring to the lips of every man on such a theme? Filial piety!—it is the primal bond of society; it is that instinctive principle, which, panting for its proper good, soothes, unbidden, each sense and sensibility of man! It now quivers on every lip!—it now beams from every eye!—it is an emanation of that gratitude which, softening under the sense of recollected good, is eager to own the vast countless debt it ne'er, alas! can pay, for so many long years of unceasing solicitudes, honourable self-denials, life-preserving cares!—it is that part of our practice where duty drops its awe—where reverence refines into love! It asks no aid of memory!—it needs not the deductions of reason!—pre-existing, paramount over all, whether law, or human rule, few arguments can increase and none can diminish it!—it is the

sacrament of our nature—not only the duty, but the indulgence of man—it is his first great privilege —it is amongst his last most endearing delights !— it causes the bosom to glow with reverberated love !—it requites the visitations of nature, and returns the blessings that have been received !— it fires emotion into vital principle !—it renders habituated instinct into a master-passion—sways all the sweetest energies of man—hangs over each vicissitude of all that must pass away—aids the melancholy virtues in their last sad tasks of life, to cheer the languors of decrepitude and age— explores the thought—elucidates the aching eye —and breathes sweet consolation even in the awful moment of dissolution ! If these are the general sentiments of man, what must be their depravity —what must be their degeneracy—who can blot out and erase from the bosom the virtue that is most deeply rooted in the human heart, and twined within the chords of life itself ? Aliens from nature, apostates from humanity ! And yet, if there be a crime more fell, more foul—if there be anything worse than a wilful persecutor of his mother, it is that of a deliberate instigator and abettor to the deed : this it is that shocks, disgusts, and appals the mind more than the other ; to view, not a wilful parricide, but a parricide by compulsion—a miserable wretch, not actuated by the stubborn evils of his own worthless heart, not driven by the fury of his own distracted brain, but lending his sacrilegious hand, without any malice of his own, to answer the abandoned purposes of the human fiends that have subdued his will ! To condemn crimes like these, we need not talk of laws, or of human rules ; their foulness,

their deformity, does not depend on local constitutions, on human institutes, or religious creeds; they are crimes, and the persons who perpetrate them are monsters, who violate the primitive condition on which the earth was given to man; they are guilty by the general verdict of human kind.

The Jaghires being seized (Mr. Sheridan proceeded to observe), the Begums were left without the smallest share of that pecuniary compensation promised by Mr. Middleton; and as, when tyranny and injustice take the field, they are always attended by their camp-followers, paltry, pilfering, and petty insult—so, in this instance, the goods taken from them were sold at a mock sale at inferior value. Even gold and jewels, to use the language of the Begums, instantly lost their value when it was known that they came from them! Their ministers were therefore imprisoned to extort the deficiency which this fraud had occasioned; and those mean arts were employed to justify a continuance of cruelty. Yet, these again were little to the frauds of Mr. Hastings. After extorting upwards of £600,000, he forbade Mr. Middleton to come to a conclusive settlement. He knew that the treasons of our allies in India had their origin solely in the wants of the Company. He could not, therefore, say that the Begums were entirely innocent, until he had consulted the general record of crimes—the cash account at Calcutta! And this prudence of Mr. Hastings was fully justified by the event; for there was actually found a balance of twenty-six lacks more against the Begums, which £260,000 worth of treason had never been dreamed of before. 'Talk not to us,' said the Governor-general, 'of their

guilt or innocence, but as it suits the Company's *credit*! We will not try them by the code of Justinian, nor the institutes of Timur; we will not judge them either by the British laws, or their local customs! No! we will try them by the multiplication table, we will find them guilty by the rule of three, and we will condemn them according to the sapient and profound institutes of Cocker's Arithmetic.'

Proceeding next to state the distresses of the Begums in the Zenana, and of the women in the Khord Mahal, Mr. Sheridan stated that some observation was due to the remark made by Mr. Hastings in his defence, where he declared 'that whatever were the distresses there, and whoever was the agent, the measure was, in his opinion, reconcileable to justice, honour, and sound policy'. Major Scott, the incomparable agent of Mr. Hastings, had declared this passage to have been written by Mr. Hastings with his own hand. Mr. Middleton, it appeared, had also avowed his share in those humane transactions, and blushingly retired. Mr. Hastings then cheered his drooping spirits. 'Whatever part of the load', said he, 'yours cannot bear, my unburdened character shall assume. I will crown your labours with my irresistible approbation. Thus, twin-warriors, we shall go forth! you find memory, and I'll find character—and assault, repulse, and contumely shall all be set at defiance!'

If I could not prove (continued Mr. Sheridan) that those acts of Mr. Middleton were in reality the acts of Mr. Hastings, I should not trouble your lordships by combating these assertions; but as that part of his criminality can be incontestibly

ascertained, I shall unequivocally appeal to the assembled legislators of this realm, and call on them to say, whether those acts were justifiable on the score of policy. I shall appeal to all the august presidents in the courts of British jurisprudence, and to all the learned ornaments of the profession, to decide whether these actions were reconcileable to justice. I shall appeal to a reverend assemblage of prelates, feeling for the general interests of humanity, and for the honour of the religion to which they belong—let them determine in their own minds, whether those acts of Mr. Hastings and Mr. Middleton were such as a *Christian* ought to perform, or a *man* to avow!

He next detailed the circumstances of the imprisonment of Bahr Ally Khan and Jewar Ally Khan, the ministers of the Nabob, on the grounds above stated; 'was with them confined that *arch-rebel*, Sumpshire Khan[1], by whom every act of hostility that had taken place against the English was stated to have been committed. No inquiry, however, was made concerning his treason, though many had been held respecting the treasure of the others. He was not so far noticed as to be deprived of his food;[2] nor was he even complimented with

[1] The Fowzdar, or officer in the service of the Begums at Saunda, on the occasion of Captain Gordon and his detachment arriving there.

[2] The following note from Mr. Middleton to Lieutenant Francis Rutledge, dated January 20, 1782, had been read in evidence:—

SIR,

When this note is delivered to you by Hoolas Roy, I have to desire that you order the two prisoners to be *put in irons, keeping them from all food, &c., agreeably to my instructions of yesterday.*

(Signed) NATH. MIDDLETON.

fetters ; and yet, when he is on a future day to be informed of the mischiefs he was now stated to have done, he must think that, on being forgotten, he had a very providential escape ! The others were, on the contrary, taken from their milder prison at Fyzabad ; and, when threats could effect nothing, transferred by the meek humanity of Mr. Middleton to the fortress of Chunargur. There, where the British flag was flying, they were doomed to deeper dungeons, heavier chains, and severer punishments ; there, where that flag was flying, which was wont to cheer the depressed, and to elate the subdued heart of misery, these venerable but unfortunate men were fated to encounter something lower than perdition, and something blacker than despair ! It appeared from the evidence of Mr. Holt and others, that they were both cruelly flogged, though one was about seventy years of age, to extort a confession of the buried wealth of the Begums ! Being charged with disaffection, they proclaimed their innocence. 'Tell us where are the remaining treasures (was the reply)—it is only treachery to your immediate sovereigns—and you will then be fit associates for the representatives of British faith and British justice in India !' O Faith ! O Justice ! (exclaimed Mr. Sheridan), I conjure you, by your sacred names, to depart for a moment from this place, though it be your peculiar residence ; nor hear your names profaned by such a sacrilegious combination as that which I am now compelled to repeat !—where all the fair forms of nature and art, truth and peace, policy and honour, shrunk back aghast from the deleterious shade ; where all existences, nefarious and vile,

had sway; where, amidst the black agents on one side, and Middleton with Impey on the other, the toughest head, the most unfeeling heart—the great figure of the piece, characteristic in his place, stood aloof and independent from the puny profligacy in his train!—but far from idle and inactive, turning a malignant eye on all mischief that awaited him!—the multiplied apparatus of temporizing expedients, and intimidating instruments! now cringing on his prey and fawning on his vengeance! now quickening the limpid pace of craft, and forcing every stand that retiring nature can make in the heart! violating the attachments and the decorums of life! sacrificing every emotion of tenderness and honour! and flagitiously levelling all the distinctions of national characteristics! with a long catalogue of crimes and aggravations beyond the reach of thought for human malignity to perpetrate, or human vengeance to punish!

It might have been hoped, for the honour of the human heart, that the Begums had been themselves exempted from a share in these sufferings; and that they had been wounded only through the sides of their ministers. The reverse of this, however, was the fact. Their palace was surrounded by a guard, which was withdrawn by Major Gilpin, to avoid the growing resentments of the people, and replaced by Mr. Middleton, through his fears from that 'dreadful responsibility' which was imposed on him by Mr. Hastings. The women of the Khord Mahal, who had not been involved in the Begums' supposed crimes; who had raised no sub-rebellion of their own; and who, it had been proved, lived in a distinct dwelling,

were causelessly involved in the same punishment; their residence surrounded with guards, they were driven to despair by famine, and, when they poured forth in sad procession, were driven back by the soldiery, and beaten with bludgeons to the scene of madness which they had quitted. These were acts (Mr. Sheridan observed) which, when told, need no comment; he should not offer a single syllable to awaken their lordships' feelings; but leave it to the facts which had been proved, to make their own impressions.

The argument now reverted solely to this point, whether Mr. Hastings was to be answerable for the crimes committed by his agent? It had been fully proved that Mr. Middleton had signed the treaty with the superior Begum in October, 1778. He had acknowledged signing some others of other dates, but could not recollect his authority. These treaties had been fully recognized by Mr. Hastings, as was fully proved by the evidence of Mr. Purling, in the year 1780. In that of October, 1778, the Jaghire was secured which was allotted for the support of the women in the Khord Mahal: on the first idea of resuming these Jaghires a provision should have been secured to those unfortunate women; and in this respect Mr. Hastings was clearly guilty of a crime, by his omission of making such provision. But still he pleaded, that he was not accountable for the cruelties which had been exercised. This was the plea which Tyranny, aided by its prime minister Treachery, was always sure to set up. Mr. Middleton had attempted to strengthen this plea by endeavouring to claim the whole infamy of those transactions, and to monopolize the guilt! He dared even to aver that he had

been condemned by Mr. Hastings for the ignominious part he had acted: he dared to avow this, because Mr. Hastings was on his trial, and he thought he should never be tried; but in the face of the court, and before he left the bar, he was compelled to confess that it was for the lenience, not the severity, of his proceedings, that he had been reproved by Mr. Hastings.

It would not, he trusted, be argued, that because Mr. Hastings had not marked every passing shade of guilt, and because he had only given the bold outline of cruelty, that he was therefore to be acquitted. It was laid down by the law of England—that law which was the perfection of reason—that a person ordering an act to be done by his agent, was answerable for that act with all its consequences. Middleton had been appointed, in 1777, the avowed and private agent—the second-self of Mr. Hastings. The Governor-General had ordered the measure:[1] Middleton declared that it could not have been effected by milder means. Even if he never saw, nor heard afterwards of the consequences of the measure, he was answerable for every pang that was inflicted, and for all the blood that was shed. But he had heard, and that instantly, of the whole. He had written to arraign Middleton of forbearance and of neglect! He commanded them to work upon their hopes and fears, and to leave no means untried, until—to

[1] The verbatim orders to Middleton by Mr. Hastings were: 'You yourself must be personally present, you must not allow any negotiation or forbearance; but must prosecute both services (namely, the seizure of the treasures and the resumption of the Jaghires), until the Begums are at the entire mercy of the Nabob.'

speak their own language, but which would be better suited to the banditti of a cavern—'they obtained possession of the secret hoards of the old ladies.' He would not allow even of a delay of two days to smooth the compelled approaches of a son to his mother, on such an occasion! His orders were peremptory; and if a massacre did not take place, it was the merit of accident, and not of Mr. Hastings. After this, would it be said that the prisoner was ignorant of the acts, or not culpable for their consequences? It was true, he had not enjoined in so many words the guards, the famine, and the bludgeons; he had not weighed the fetters, nor numbered the lashes to be inflicted on his victims. But yet he was equally guilty, as if he had borne an active and personal share in each transaction. It was as if he had commanded that the heart should be torn from the bosom, and yet had enjoined that no blood should follow. He was in the same degree accountable to the law, to his country, to his conscience, and to his God!

Mr. Hastings had endeavoured also to get rid of a part of his guilt, by observing that he was but one of the Supreme Council, and that all the rest had sanctioned those transactions with their approbation. If Mr. Hastings could prove, however, that others participated in the guilt, it would not tend to diminish his own criminality. But the fact was, that the Council had in nothing erred so much as in a criminal credulity given to the declarations of the Governor-General. They knew not a word of those transactions until they were finally concluded. It was not until the January following that they saw the mass of falsehood

which had been published under the title of 'Mr. Hastings's Narrative'. They had been then unaccountably duped into the suffering a letter to pass, dated the 29th of November, intended to deceive the Directors into a belief that they had received intelligence at that time, which was not the fact. These observations (Mr. Sheridan said) were not meant to cast any obloquy on the Council; they had undoubtedly been deceived, and the deceit practised on them by making them sign the Narrative, was of itself a strong accusation of Mr. Hastings, and a decided proof of his own consciousness of guilt. When tired of corporeal infliction, his tyranny was gratified by insulting the understanding. Other tyrants, though born to greatness, such as a Nero, or a Caligula, might have been roused, it had been supposed, by reflection, and awakened into contrition; but here was an instance which spurned at theory and baffled supposition; a man born to a state at least of equality, inured to calculation, and brought up in habits of reflection; and yet proving in the end that monster in nature, a *deliberate and reasoning tyrant.*

The Board of Directors received those advices which Mr. Hastings thought proper to transmit; but, though unfurnished with any other materials to form their judgements, they expressed very strongly their doubts, and as properly ordered an inquiry into the circumstances of the alleged disaffection of the Begums; pronouncing it, at the same time, a debt which was due to the honour and justice of the British nation. This inquiry, however, on the directions reaching India, Mr. Hastings thought it absolutely necessary to elude.

He stated to the Council, it being merely stated that 'if on inquiry certain facts appeared', no inquiry was thereby directly enjoined! 'It would revive (said he) those animosities that subsisted between the Begums and the vizier, which had then subsided. If the former were inclined to appeal to a foreign jurisdiction, they were the best judges of their own feeling, and should be left to make their own complaint.' All this, however, was nothing to the magnificent paragraph which concluded this minute, and to which Mr. Sheridan also requested the attention of the court. 'Beside (said Mr. Hastings), I hope it will not be a departure from official language to say, that the *majesty of justice* ought not to be approached without solicitation; she ought not to descend to inflame or provoke, but to withhold her judgement until she is called on to determine!' What is still more astonishing is, that Sir John Macpherson (who, though a gentleman of sense and honour, yet rather oriental in his imagination, and not learned in the sublime and beautiful, formed the immortal leader of this prosecution, and who had before opposed Mr. Hastings) was caught by this bold bombastic quibble, and joined in the same words, 'that the *majesty of justice* ought not to be approached without solicitation.'

But *justice* is not this halt and miserable object (continued Mr. Sheridan); it is not the ineffective bauble of an Indian pagod; it is not the portentous phantom of despair; it is not like any fabled monster, formed in the eclipse of reason, and found in some unhallowed grove of superstitious darkness and political dismay! No, my lords!

In the happy reverse of all these, I turn from this

disgusting caricature to the *real image*! *Justice* I have now before me, august and pure—the abstract idea of all that would be perfect in the spirits and the aspirings of men; where the mind rises, where the heart expands; where the countenance is ever placid and benign; where her favourite attitude is to stoop to the unfortunate—to hear their cry, and to help them—to rescue and relieve, to succour and save: majestic from its mercy; venerable from its utility; uplifted, without pride; firm, without obduracy; beneficent in each preference; lovely, though in her frown!

On that *justice* I rely; deliberate and sure, abstracted from all party purpose and political speculation; not in words, but in facts! You, my lords, who hear me, I conjure by those rights it is your best privilege to preserve; by that fame it is your best pleasure to inherit; by all those feelings which refer to the first term in the series of existence, the original compact of our nature, our controlling rank in the creation. This is the call on all to administer to truth and equity, as they would satisfy the laws and satisfy themselves, with the most exalted bliss possible, or conceivable for our nature; the self-approving consciousness of virtue, when the condemnation we look for will be one of the most ample mercies accomplished for mankind since the creation of the world!

My lords, I have done.

WILLIAM WINDHAM

November 4, 1801

PEACE OF AMIENS

Should it so happen (and who shall say, that it will not ?) that our commerce, instead of increasing, or remaining where it is, should fall off ; that our manufactures should decline ; that, from these and other causes,—such as a great emigration, and considerable transfer of commercial property ;—and above all from the great loss of territorial revenue, the income of the state should be lessened, to a degree equal only to this proposed saving, then we shall have incurred all the dreadful difference to be found in our situation in case of the renewal of war, and all the no less serious dangers during the continuance of peace, absolutely for nothing.

I select this only as the case which may be considered as the most probable. In argument, to be sure, having already agreed to take at par, our prospects with respect to the increase or decrease of our commerce and manufactures, I am not at liberty to insist on this case, or upon the more fatal one of a greater and more extensive decrease, without allowing those who argue on the other side, to avail themselves of the supposition, that the sources of national wealth may possibly be in a great degree augmented.

At all events, however, and whatever be the extent of these expected savings, and the improvement to be made in consequence in our finances, we are to estimate the evils and dangers which are to be placed in the opposite scale, the chief of which I have endeavoured to point out, though in a very hasty and summary manner, in the observations, with which I have already troubled the House. They may be classed, generally, under three heads :—The ascendancy, which it is feared France may in time acquire, even in those sources of greatness, which we seem inclined to consider as a substitute for all others, our manufactures and commerce ; supposing, as I am here doing, that peace continues without interruption, and even without any great advantage being taken, of the threat of a renewal of hostilities. Secondly, the effect to be produced, in a peace so constituted, by the continued use of this menace,—an engine of which it is difficult to calculate the force, applied, as it may be, to every point on which the interests of the countries are opposed, and for the accomplishment of every object which France may wish to attain. Thirdly and lastly, war itself ; begun of course at such a moment, as France shall judge most advantageous to her, and when by a due improvement of the preceding period of peace, Great Britain shall have been placed in a situation to be least capable of resisting its effects. On these points, having spoken to each already, as far as the occasion seems to admit, though far short of what the subject demands, I shall detain the House no longer, but leave to every gentleman to form his own judgement on the extent and reality of these dangers, and finally

to settle the comparison between these (with others connected with them) and the continuance of the war, such as war from this time might be expected to prove. The only head of danger, to which I wish now to speak, is one of a quite different nature; but so serious, so certain, so imminent, so directly produced by the peace itself, that I must not omit to say a few words upon it. This is, the danger now first commencing; and which may be conveyed in a single word, but that, I fear, a word of great import—intercourse. From this moment the whole of the principles and morals of France rush into this country without let or hindrance, with nothing to limit their extent, or to control their influence. While the war continued, not only the communication was little, or nothing, but, whatever contagion might be brought in by that communication, found the country less in a state to receive it. The very heat and irritation of the war was a preservative against the infection. But now that this infection is to come upon us in the soft hour of peace; that it is to mix with our food; that we are to take it into our arms; that it is to be diffused in the very air we breathe; what hope, can we suppose, remains to us of escaping its effects?—This, I used formerly to be taught, before the weight of taxes had lessened our apprehensions of French fraternity, was one of the consequences most to be dreaded in peace, in whatever form it should come, short of the restoration of some government, not founded on Jacobinical principles. But somehow or another, the very idea of this danger seems long since to have vanished from our minds. We are now to make peace in the

very spirit of peace, and to throw ourselves without reserve into the very arms of France. With respect, indeed, to one part of the danger, the principles of France,—meaning by that the political principles—we are told, that all danger of that sort is at an end; that in this country, as everywhere else, the folly of the revolutionary principles is so thoroughly understood, that none can now be found to support them. Jacobinism is, as it were, extinct; or, should it still exist, we shall have, as our best ally against it, Buonaparte himself.

Sir, I have already stated what my confidence is in that ally. I know that neither he personally, nor any other of the *free* governments that have subsisted in France, have ever suffered these doctrines of Jacobinism to be used against themselves. But I must again ask, on what grounds we suppose that France has renounced the use of them with respect to other countries? We have heard less, indeed, of late, of her principles, because we have heard, and felt, more of her arms. For the same reason, we may possibly hear little of them in future. But do they therefore cease to exist? During the whole course of the Revolution, France has sometimes employed one of these means, and sometimes the other. Sometimes the arms have opened a way for the principles, at others the principles have prepared the object, as an easy conquest to the arms. In the flight of this chain-shot, sometimes one end has gone foremost, and sometimes the other, and at times they may have struck their object at once: but the two parts alike exist, and are inseparably linked together.

Nothing, therefore, can, in my mind, be more

idle than this hope of the extinction of Jacobinism, either as an instrument to be used by France, should her occasions require it, or as a principle ever to be eradicated out of any community, in which it has once taken root. However true it may be, that the example of France ought to serve as the strongest antidote to its poison, and that it does so, in fact, in the minds of many; yet it is equally true, that in another view, and to many other persons, it operates in a directly contrary way,—not as a warning, but as an incitement. What I am now speaking of, is, however, not the danger of the political principles of France, but the still surer and more dreadful danger of its morals. What are we to think of a country, that having struck out of men's minds, as far as it has the power to do so, all sense of religion, and all belief of a future life, has struck out of its system of civil polity, the institution of marriage? That has formally, professedly, and by law, established the connexion of the sexes, upon the footing of an unrestrained concubinage? That has turned the whole country into one universal brothel? That leaves to every man to take, and to get rid of, a wife (the fact, I believe, continues to be so), and a wife, in like manner to get rid of her husband, upon less notice than you can, in this country, of a ready-furnished lodging?

What are we to think of uniting with a country in which such things have happened, and where for generations the effects must continue, whatever formal and superficial changes prudence and policy may find it expedient to introduce in the things themselves?

Do you suppose it possible, that, with an inter-

course subsisting, such as, we know, will take place between Great Britain and France, the morals of this country should continue what they have been? Do we suppose that when this *Syrus in Tiberim defluxit Orontes*, when that 'revolutionary stream', the Seine, charged with all the *colluvies* of Paris,—with all the filth and blood of that polluted city,—shall have turned its current into the Thames, that the waters of our fair 'domestic flood' can remain pure and wholesome, as before? Do we suppose these things can happen? Or is it that we are indifferent whether they happen or not; and that the morals of the country are no longer any object of our concern?

Sir, I fear, the very scenes that we shall witness, even in the course of the present winter, will give us a sufficient foretaste of what we may expect hereafter; and show how little the morals of the country will be protected by those who should be their natural guardians, the higher and fashionable orders of society. In what crowds shall we see flocking to the hotel of a Regicide Ambassador, however deep in all the guilt and horror of his time, those, whose doors have hitherto been shut inflexibly against every Frenchman; whom no feeling for honourable distress, no respect for suffering loyalty, no sympathy with fallen grandeur, no desire of useful example,—and in some instances, I fear, no gratitude for former services or civilities, have ever been able to excite to show the least mark of kindness or attention to an emigrant of any description; though in that class are to be numbered men, who in every circumstance of birth, of fortune, of rank, of talents, of acquirements of every species, are fully

their equals ; and whom the virtue that has made them emigrants, has, so far forth, rendered their superiors ! A suite of richly furnished apartments, and a ball and supper, is a trial, I fear, too hard for the virtue of London.

It is to this side that I look with greatest apprehension. The plague with which we are threatened will not begin, like that of Homer, with inferior animals, among dogs and mules, but in the fairest and choicest part of the creation ; with those, whose fineness of texture makes them weak ; whose susceptibility most exposes them to contagion ; whose natures, being most excellent, are, for that very reason, capable of becoming most depraved ; who, being formed to promote the happiness of the world, may, when 'strained from that fair use', prove its bane and destruction ; retaining, as they will still do, much of that empire which nature intended for them, over the minds and faculties of the other half of the species. 'The woman tempted me, and I did eat,' will be to be said, I fear, of this second fall of man, as it was of the first. Sir, we heard much, last year, of the necessity of new laws to check the growing progress of vice and immorality. I suppose we hardly mean to persist in any such projects. It will be too childish to be busying ourselves in stopping every little crevice and aperture through which vice may ooze in, when we are going to open at once the flood-gates, and admit the whole tide of French practices and principles, till the morals of the two countries shall have settled at their common level.

I must beg here, not to be told, that of this kind of argument the only result is, that we

should never make peace with France at all, until the monarchy should be restored. The argument implies no such thing. That no kind of peace with France will be safe, till then, I am not in the least disposed to deny; but the nature of human affairs does not admit of our getting always what we may think most admirable. We must take up often with what is far short of our ideas, either of advantage or safety. The question at present is, whether in either of those views, we ought to take up with the present peace: and among the evils incident to it, and immediately resulting from it, I state one, which, in conjunction with others, is to be weighed against its advantages; namely, the havoc likely to be made by it in our principles and morals. If any one should be of opinion, that this consideration is of so much weight, that war, almost upon any terms, is preferable to peace with a state, founded upon a declared Atheism, and filled with all the abominations and pollutions certain to result from such an origin, it is not my business to dispute with him: but that is not the way in which the argument is applied here; nor is it indeed applied in any way, otherwise than as a consideration, making part of the case, and to which everybody is to allow what weight he shall think proper. The misfortune of the country has been that it has never seen, and felt, fully, the extent of its danger. The country—speaking of it in general, and not with a view to particular places, or classes of people, upon whom the pressure of the war has borne with peculiar severity—has been so rich, so prosperous, so happy; men have enjoyed here in so superior a degree, and with such perfect freedom

from molestation, all the blessings and comforts of life, that they have never been able to persuade themselves, that any real harm could befall them. Even those, who have clamoured most loudly about the dangers of the country, and have given at times the most exaggerated representations of them, have really, and when their opinions come to be examined, never described this danger as anything truly alarming. For *their* danger has always been a provisional and hypothetical danger, such as we should be liable to, if we did not conform to such and such conditions; but as these conditions were always in our power, and are now, as we see, actually resorted to, our real and absolute danger was, in fact, none at all. 'You will be ruined, if you continue the war; but, make peace, and you are safe': and unquestionably, as there can hardly have been a period, when a peace, such as the present, was not in our power,—if such a peace can give us safety, there never was a period, when we could properly be said to have been in danger. We had a port always under our lee; so that if it came to overblow, or the ship laboured too much, we had nothing to do but to put up our helm, and run at once into a place of safety. But my ideas of the danger have always been of a far different sort. To me it has ever seemed, that the danger was not conditional but absolute; that it was a question, whether we could be saved upon any other terms; whether we could weather this shoal upon either tack. The port appeared to me to be an enemy's port; where, though we might escape the dangers of the sea, we should fall into the hands of the savages, who would never suffer us to see again

our native land, but keep us in a state of thraldom, far more to be dreaded than the utmost fury of the waves.

I have never pretended to say, that there were not dangers in war, as unquestionably there are great evils: I have said only that there were evils and dangers, not less real and certain, in peace, particularly in a peace, made on such terms as the present. For terms of peace, in spite of what we hear talked, *have* something to do with rendering our situation more or less secure, even in those respects in which they are supposed to operate least. In general, though terms, however advantageous, would not secure us against the mischiefs of French fraternity, and the infusions of French principles and morals, yet they would make a little difference, I apprehend, as to the effect which peace would produce in the feelings of Europe; as to the air of success and triumph which it would give to the enemy, and of defeat and humiliation which it would impress upon us; as to the consequences resulting from thence, even with respect to the propagation of French principles but certainly as to the confirmation of French power; and, above all, as to the situation in which we should stand, should France choose to force us again into a war. The port of Malta, strong as it is, would not literally serve as a bulwark to stop the incursions of Jacobinism; figuratively, it would not be without its effect in that way: yet there would be some difference, I conceive, at the beginning of a war, whether we were in possession of Malta or not; and in the meanwhile, the knowledge of that difference, in the minds of the enemy, and of ourselves, would be quickly felt, in

any discussions which might take place between us, in time of peace.

The dangers of peace, therefore, are augmented a hundredfold by terms at once so degrading and injurious, as those to which we have submitted: on any terms on which it could have been concluded, it would have had its dangers, and dreadful ones too; France remaining a revolutionary government, and being, as it is, in possession of Europe. Whether that evil must not ultimately have been submitted to; whether the hopes of change, either from coalitions without, or commotions within, might not have become so small, and the evils of war, however mitigated, so great, that we must have made up our minds, after taking the best securities against those dangers that we could, finally to have acquiesced in them, is a separate question, which I will not now discuss. But the time, in my opinion, was not come when such unqualified acquiescence on our part was requisite; when we were to cease to inquire what those securities were; or when we ought to have taken up with such securities, if securities they can be called, as are offered by the present treaty. The great misfortune has been, that this question of peace has never yet been fully and fairly before the country. We have been taken up with the war; that was the side of the alternative next to us;—and have never yet, till it was too late, had our attention fairly directed, or, I must say, fairly summoned, to the dreadful picture on the other side. If we had, we should never have heard, except among the ignorant and disaffected, of joy and exultation through the land, at a peace such as the present.

HENRY GRATTAN

May 25, 1815

DOWNFALL OF BUONAPARTE

Sir, I sincerely sympathize with the honourable gentleman who spoke last in his anxiety on this important question; and my solicitude is increased by a knowledge, that I differ in opinion from my oldest political friends. I have further to contend against the additional weight given to the arguments of the noble lord who moved the amendment, by the purity of his mind, the soundness of his judgement, and the elevation of his rank. I agree with my honourable friends, in thinking that we ought not to impose a government upon France. I agree with them in deprecating the evil of war; but I deprecate still more the double evil of a peace without securities, and a war without allies. Sir, I wish it was a question between peace and war; but unfortunately for the country, very painfully to us, and most injuriously to all ranks of men, peace is not in our option; and the real question is, whether we shall go to war when our allies are assembled, or fight the battle when those allies shall be dissipated?

Sir, the French Government is war; it is a stratocracy, elective, aggressive, and predatory; her armies live to fight, and fight to live; their constitution is essentially war; and the object of that war, the conquest of Europe. What such

a person as Buonaparte at the head of such a constitution will do, you may judge by what he has done ; and, first, he took possession of the greater part of Europe ; he made his son King of Rome ; he made his son-in-law Viceroy of Italy ; he made his brother King of Holland ; he made his brother-in-law King of Naples ; he imprisoned the King of Spain ; he banished the Regent of Portugal, and formed his plan to take possession of the Crown of England ; England had checked his designs ; her trident had stirred up his empire from its foundation ; he complained of her tyranny at sea, but it was her power at sea which arrested his tyranny at land ; the navy of England saved Europe. Knowing this, he knew the conquest of England became necessary for the accomplishment of the conquest of Europe, and the destruction of her marine necessary for the conquest of England. Accordingly, besides raising an army of 60,000 men for the invasion of England, he applied himself to the destruction of her commerce, the foundation of her naval power. In pursuit of this object, and on his plan of a western empire, he conceived, and in part executed the design of consigning to plunder and destruction the vast regions of Russia ; he quits the genial clime of the temperate zone ; he bursts through the narrow limits of an immense empire ; he abandons comfort and security, and he hurries to the pole, to hazard them all, and with them the companions of his victories, and the fame and fruits of his crimes and his talents, on a speculation of leaving in Europe, throughout the whole of its extent, no one free or independent nation : to oppose this huge conception of mischief and despotism, the great potentate of the north,

from his gloomy recesses advances to defend, against the voracity of ambition, the sterility of his empire. Ambition is omnivorous, it feasts on famine and sheds tons of blood, that it may starve in ice, in order to commit a robbery on desolation. The power of the north, I say, joins another prince, whom Buonaparte had deprived of almost the whole of his authority, the King of Prussia; and then another potentate, whom Buonaparte had deprived of a principal part of his dominions, the Emperor of Austria. These three powers, physical causes, final justice, the influence of your victories in Spain and Portugal, and the spirit given to Europe by the achievements and renown of your great commander,[1] together with the precipitation of his own ambition, combine to accomplish his destruction. Buonaparte is conquered; he who said 'I will be like the Most High'; he who smote the nations with a continual stroke; this short-lived son of the morning, Lucifer, falls, and the earth is at rest; the phantom of royalty passes on to nothing, and the three kings to the gates of Paris; there they stand, the late victims of his ambition, and now the disposers of his destiny, and the masters of his empire; without provocation he had gone to their countries with fire and sword; with the greatest provocation they come to his country with life and liberty; they do an act unparalleled in the annals of history, such as nor envy, nor time, nor malice, nor prejudice, nor ingratitude can efface; they give to his subjects liberty, and to himself life and royalty. This is greater than conquest! The present race must confess their virtues, and ages

[1] The Duke of Wellington.

to come must crown their monuments, and place them above heroes and kings in glory everlasting.

Therefore when he states that the conditions of the treaty of Fontainebleau are not performed, he forgets one of them, namely, the condition by which he lives. It is very true there was a mixture of policy and prudence in this measure; but it was a great act of magnanimity notwithstanding, and it is not in Providence to turn such an act to your disadvantage. With respect to the other act, the mercy shown to his people, I have underrated it; the allies did not give liberty to France, they enabled her to give a constitution to herself, a better constitution than that which, with much laboriousness and circumspection, and deliberation, and procrastination, the philosopher fabricated, when the Jacobins trampled down the flimsy work, murdered the vain philosophers, drove out the crazy reformers, and remained masters of the field in the triumph of superior anarchy and confusion; better than that, I say, which the Jacobin destroyed, better than that which he afterwards formed, with some method in his madness, and more madness in his method; with such a horror of power, that in his plan of a constitution, he left out a government, and with so many wheels, that everything was in movement, and nothing in concert, so that the machine took fire from its own velocity; in the midst of death and mirth, with images emblematic of the public disorder, goddesses of reason turned fool, and of liberty turned fury; at length the French found their advantages in adopting the sober and unaffected security of King, Lords, and Commons, on the idea of that form of government which your an-

cestors procured by their firmness, and maintained by their discretion. The people had attempted to give the French liberty, and failed; the wise men (so her philosophers called themselves) had attempted to give liberty to France, and had failed; it remained for the extraordinary destiny of the French, to receive their free constitution from kings. This constitution Buonaparte has destroyed, together with the Treaty of Fontainebleau, and having broken both, desires your confidence; Russia confided, and was deceived; Austria confided, and was deceived. Have we forgotten the Treaty of Luneville, and his abominable conduct to the Swiss? Spain and other nations of Europe confided, and all were deceived. During the whole of this time, he was charging on England the continuation of the war, while he was, with uniform and universal perfidy, breaking his own treaties of peace, for the purpose of renewing the war, to end it in what was worse than war itself—his conquest of Europe.

But now he repents and will be faithful! he says so, but he says the contrary also: 'I protest against the validity of the Treaty of Fontainebleau; it was not done with the consent of the people; I protest against everything done in my absence; see my speech to the army and people; see the speech of my council to me.' The Treaty of Paris was done in his absence; by that treaty were returned the French colonies and prisoners; thus he takes life and empire from the Treaty of Fontainebleau, with an original design to set it aside, and he takes prisoners and colonies from the Treaty of Paris, which he afterwards sets aside also; and musters an army by a singular

fatality, in a great measure composed of troops who owe their enlargement, and of a chief who owes his life to the powers he fights by the resources of France, who owes to those powers her salvation; he gives a reason for this, 'Nothing is good which was done without the consent of the people' (having been deposed by that people, and elected by the army in their defiance): with such sentiments, which go not so much against this or that particular treaty as against the principle of affiance, the question is, whether with a view to the security of Europe, you will take the faith of Napoleon, or the army of the allies?

Gentlemen maintain that we are not equal to the contest; that is to say, confederated Europe cannot fight France singlehanded; if that be your opinion you are conquered this moment; you are conquered in spirit: but that is not your opinion, nor was it the opinion of your ancestors; they thought and I hope transmitted the sentiment as your birth-right, that the armies of these islands could always fight, and fight with success their own numbers; see now the numbers you are to command; by this treaty you are to have in the field what may be reckoned not less than 600,000 men; besides that stipulated army you have at command, what may be reckoned as much more, I say you and the allies. The Emperor of Austria alone has an army of 500,000 men, of which 120,000 were sent to Italy to oppose Murat, who is now beaten; Austria is not then occupied by Murat; Prussia is not occupied by the Saxon, nor Russia by the Pole, at least not so occupied that they have not ample and redundant forces for this war; you have a general never surpassed, and

allies in heart and confidence. See now Buonaparte's muster; he has lost his external dominions, and is reduced from a population of 100,000,000, to a population of 25,000,000; besides, he has lost the power of fascination, for though he may be called the subverter of kings, he has not proved to be the redresser of grievances. Switzerland has not forgotten; all Europe remembers the nature of his reformation, and that the best reform he introduced was worse than the worst government he subverted; as little can Spain or Prussia forget what was worse even than his reformations, the march of his armies. It was not an army, it was a military government in march, like the Roman legions in Rome's worst time, Italica or Rapax, responsible to nothing, nor God, nor man; thus he has administered a cure to his partisans for any enthusiasm that might have been annexed to his name, and is now reduced to his resources at home; it is at home that he must feed his armies and find his strength, and at home he wants artillery, he wants cavalry; he has no money, he has no credit, he has no title; with respect to his actual numbers they are not ascertained, but it may be collected that they bear no proportion to those of the allies.

But gentlemen presume that the French nation will rise in his favour as soon as we enter their country; we entered their country before and they did not rise in his favour; on the contrary they deposed him; the article of deposition is given at length; it is said we endeavour to impose a government on France; the French armies elect a conqueror for Europe, and our resistance to this conqueror is called imposing a government on

France; if we put down this chief we relieve France as well as Europe from a foreign yoke, and this deliverance is called the imposition of a government on France. He—He! imposed a government on France; he imposed a foreign yoke on France; he took from the French their property by contribution; he took their children by conscription; he lost her her empire, and, a thing almost unimaginable, he brought the enemy to the gates of Paris; we, on the contrary, formed a project, as appears from a paper of 1805, which preserved the integrity of the French empire; the allies, in 1814, not only preserved the integrity of the empire as it stood in 1792, but gave her her liberty, and they now afford her the only chance of redemption. Against these allies, will France now combine, and having received from them her empire as it stood before the war, with additions in consequence of their deposition of Buonaparte; and having gotten back her capital, her colonies, and her prisoners, will she break the treaty to which she owes them; rise up against the allies who gave them; break her oath of allegiance; destroy the constitution she has formed; depose the king she has chosen; rise up against her own deliverance, in support of contribution and conscription, to perpetuate her political damnation under the yoke of a stranger?

Gentlemen say, France has elected him; they have no grounds for so saying; he had been repulsed at Antibes, and he lost thirty men; he landed near Cannes the 1st of March, with 1,100. With this force he proceeded to Grasse, Digne, Gap, and on the 7th he entered Grenoble; he there got from the desertion of regiments above

3,000 men, and a park of artillery; with this additional force he proceeded to Lyons; he left Lyons with about 7,000 strong, and entered Paris on the 20th, with all the troops of the line that had been sent to oppose him; the following day he reviewed his troops, and nothing could equal the shouts of the army, except the silence of the people; this was in the strictest sense of the word, a military election. It was an act where the army deposed the civil government; it was the march of a military chief over a conquered people. The nation did not rise to resist Buonaparte or defend Louis, because the nation could not rise upon the army; her mind as well as her constitution was conquered; in fact, there was no nation; everything was army, and everything was conquest. France had passed through all the degrees of political probation—revolution, counter-revolution, wild democracy, intense despotism, outrageous anarchy, philosophy, vanity, and madness; and now she lay exhausted, for horse, foot, and dragoons, to exercise her power, to appoint her a master, captain or cornet who should put the brand of his name upon her government, calling it his dynasty, and under this stamp of dishonour pass her on to futurity.

Buonaparte, it seems, is to reconcile everything by the gift of a free constitution. He took possession of Holland, he did not give her a free constitution; he took possession of Spain, he did not give her a free constitution; he took possession of Switzerland, whose independence he had guaranteed, he did not give her a free constitution; he took possession of France, he did not give her a free constitution; on the contrary, he destroyed

the directorial constitution, he destroyed the consular constitution, and he destroyed the late constitution, formed on the plan of England! But now he is, with the assistance of the Jacobin, to give her liberty; that is, the man who can bear no freedom, unites to form a constitution with a body who can bear no government. In the meantime, while he professes liberty, he exercises despotic power, he annihilates the nobles, he banishes the deputies of the people, and he sequesters the property of the emigrants. 'Now he is to give liberty!' I have seen his constitution, as exhibited in the newspaper; there are faults innumerable in the frame of it, and more in the manner of accepting it; it is to be passed by subscription without discussion, the troops are to send deputies, and the army is to preside. There is some cunning, however, in making the subscribers to the constitution renounce the House of Bourbon; they are to give their word for the deposition of the king, and take Napoleon's word for their own liberty; the offer imports nothing which can be relied on, except that he is afraid of the allies. Disperse the alliance, and farewell to the liberty of France, and the safety of Europe.

Under this head of ability to combat Buonaparte, I think we should not despair.

With respect to the justice of the cause, we must observe, Buonaparte has broken the Treaty of Fontainebleau; he confesses it; he declares he never considered himself as bound by it. If, then, that treaty is out of the way, he is as he was before it—at war. As Emperor of the French, he has broken the Treaty of Paris; that treaty was

founded on his abdication ; when he proposes to observe the Treaty of Paris, he proposes what he cannot do, unless he abdicates.

The proposition that we should not interfere with the government of other nations is true, but true with qualifications ; if the government of any other country contains an insurrectionary principle as France did, when she offered to aid the insurrections of her neighbours, your interference is warranted ; if the government of another country contains the principle of universal empire, as France did, and promulgated, your interference is justifiable. Gentlemen may call this internal government, but I call this conspiracy ; if the government of another country maintains a predatory army, such as Buonaparte's, with a view to hostility and conquest, your interference is just. He may call this internal government, but I call this a preparation for war. No doubt he will accompany this with offers of peace, but such offers of peace are nothing more than one of the arts of war, attended, most assuredly, by charging on you the odium of a long and protracted contest, and with much commonplace, and many good saws and savings, of the miseries of bloodshed, and the savings and good husbandry of peace, and the comforts of a quiet life ; but if you listen to this, you will be much deceived ; not only deceived, but you will be beaten. Again, if the government of another country covers more ground in Europe, and destroys the balance of power, so as to threaten the independence of other nations, this is a cause of your interference. Such was the principle upon which we acted in the best times ; such was the principle of the grand alliance ; such

the triple alliance ; and such the quadruple ; and by such principles has Europe not only been regulated, but protected. If a foreign government does any of those acts I have mentioned, we have a cause of war ; but if a foreign power does all of them ; forms a conspiracy for universal empire ; keeps up an army for that purpose ; employs that army to overturn the balance of power ; and attempts the conquest of Europe—attempts do I say ?—in a great degree achieves it (for what else was Buonaparte's dominion before the Battle of Leipsic ?) and then receives an overthrow ; owes its deliverance to treaties which give that power its life, and these countries their security (for what did you get from France but security ?)—if this power, I say, avails itself of the conditions in the treaties, which give it colonies, prisoners, and deliverance, and breaks those conditions which give you security, and resumes the same situation, which renders him capable of doing the same mischief ; has England, or has she not, a right of war ?

Having considered the two questions, that of ability, and that of right, and having shown that you are justified on either consideration to go to war, let me now suppose, that you treat for peace ; first, you will have a peace upon a war establishment, and then a war without your present allies. It is not certain that you will have any of them, but it is certain that you will not have the same combination while Buonaparte increases his power by confirmation of his title, and by further preparation ; so that you will have a bad peace and a bad war. Were I disposed to treat for peace, I would not agree to the amendment, because it disperses

your allies, and strengthens your enemy, and says to both, we will quit our alliance, to confirm Napoleon on the throne of France, that he may hereafter more advantageously fight us, as he did before for the throne of England.

Gentlemen set forth the pretensions of Buonaparte; gentlemen say, that he has given liberty to the press; he has given liberty to publication, to be afterwards tried and punished according to the present constitution of France, as a military chief pleases; that is to say, he has given liberty to the French to hang themselves. Gentlemen say, he has in his dominions abolished the slave trade; I am unwilling to deny him praise for such an act; but if we praise him for giving liberty to the African, let us not assist him in imposing slavery on the European. Gentlemen say, will you make war upon character? but the question is, will you trust a government without one? What will you do if you are conquered? say gentlemen. I answer, the very thing you must do, if you treat; abandon the Low Countries. But the question is, in which case are you most likely to be conquered, with allies or without them? Either you must abandon the Low Countries, or you must preserve them by arms, for Buonaparte will not be withheld by treaty. If you abandon them, you will lose your situation on the globe, and instead of being a medium of communication and commerce between the new world and the old, you will become an anxious station between two fires; the continent of America, rendered hostile by the intrigues of France, and the continent of Europe possessed by her arms. It then remains for you to determine, if you do not abandon the Low

Countries, in what way you mean to defend them, alone or with allies.

Gentlemen complain of the allies, and say, they have partitioned such a country, and transferred such a country, and seized on such a country. What! will they quarrel with their ally, who has possessed himself of a part of Saxony, and shake hands with Buonaparte, who proposed to take possession of England? If a prince takes Venice, we are indignant; but if he seizes on a great part of Europe, stands covered with the blood of millions, and the spoils of half mankind, our indignation ceases; vice becomes gigantic, conquers the understanding, and mankind begin by wonder, and conclude by worship. The character of Buonaparte is admirably calculated for this effect; he invests himself with much theatrical grandeur; he is a great actor in the tragedy of his own government; the fire of his genius precipitates on universal empire, certain to destroy his neighbours or himself; better formed to acquire empire than to keep it, he is a hero and a calamity, formed to punish France, and to perplex Europe.

The authority of Mr. Fox has been alluded to; a great authority, and a great man; his name excites tenderness and wonder; to do justice to that immortal person you must not limit your view to his country; his genius was not confined to England, it acted three hundred miles off in breaking the chains of Ireland; it was seen three thousand miles off in communicating freedom to the Americans; it was visible, I know not how far off, in ameliorating the condition of the Indian; it was discernible on the coast of Africa, in accomplishing the abolition of the slave trade. You are

to measure the magnitude of his mind by parallels of latitude. His heart was as soft as that of a woman; his intellect was adamant; his weaknesses were virtues; they protected him against the hard habit of a politician, and assisted nature to make him amiable and interesting. The question discussed by Mr. Fox in '92 was, whether you would treat with a revolutionary government? The present is, whether you will confirm a military and a hostile one? You will observe, that when Mr. Fox was willing to treat, the French, it was understood, were ready to evacuate the Low Countries. If you confirm the present government, you must expect to lose them. Mr. Fox objected to the idea of driving France upon her resources, lest you should make her a military government. The question now is, whether you will make that military government perpetual? I therefore do not think the theory of Mr. Fox can be quoted against us; and the practice of Mr. Fox tends to establish our proposition, for he treated with Buonaparte and failed. Mr. Fox was tenacious of England, and would never yield an iota of her superiority; but the failure of the attempt to treat was to be found, not in Mr. Fox, but in Buonaparte.

On the French subject, speaking of authority, we cannot forget Mr. Burke,—Mr. Burke, the prodigy of nature and acquisition. He read everything, he saw everything, he foresaw everything. His knowledge of history amounted to a power of foretelling; and when he perceived the wild work that was doing in France, that great political physician, intelligent of symptoms, distinguished between the access of fever and the force of

health ; and what other men conceived to be the vigour of her constitution, he knew to be no more than the paroxysm of her madness, and then, prophet-like, he pronounced the destinies of France, and, in his prophetic fury, admonished nations.

Gentlemen speak of the Bourbon family. I have already said, we should not force the Bourbon upon France ; but we owe it to departed (I would rather say to interrupted) greatness, to observe, that the house of Bourbon was not tyrannical ; under her, everything, except the administration of the country, was open to animadversion ; every subject was open to discussion, philosophical, ecclesiastical, and political, so that learning, and arts, and sciences, made progress. Even England consented to borrow not a little from the temperate meridian of that government. Her court stood controlled by opinion, limited by principles of honour, and softened by the influence of manners ; and, on the whole, there was an amenity in the condition of France, which rendered the French an amiable, an enlightened, a gallant and accomplished race. Over this gallant race you see imposed an oriental despotism. Their present court [Buonaparte's court] has gotten the idiom of the East as well as her constitution ; a fantastic and barbaric expression ; an unreality, which leaves in the shade the modesty of truth, and states nothing as it is, and everything as it is not. The attitude is affected, the taste is corrupted, and the intellect perverted. Do you wish to confirm this military tyranny in the heart of Europe ? A tyranny founded on the triumph of the army over the principles of civil government,

tending to universalize throughout Europe the domination of the sword, and to reduce to paper and parchment, Magna Charta and all our civil constitutions. An experiment such as no country ever made, and no good country would ever permit; to relax the moral and religious influences; to set heaven and earth adrift from one another; and make God Almighty a tolerated alien in His own creation; an insurrectionary hope to every bad man in the community, and a frightful lesson of profit and power, vested in those who have pandered their allegiance from king to emperor, and now found their pretensions to domination on the merit of breaking their oaths, and deposing their sovereign. Should you do anything so monstrous as to leave your allies in order to confirm such a system; should you forget your name, forget your ancestors, and the inheritance they have left you of morality and renown; should you astonish Europe by quitting your allies to render immortal such a composition, would not the nations exclaim, 'You have very providently watched over our interests, and very generously have you contributed to our service, and do you faulter now?' 'In vain have you stopped in your own person the flying fortunes of Europe; in vain have you taken the eagle of Napoleon, and snatched *invincibility* from his standard, if now, when confederated Europe is ready to march, you take the lead in the desertion, and preach the penitence of Buonaparte and the poverty of England.'

As to her poverty, you must not consider the money you spend in your defence, but the fortune you would lose if you were not defended; and

further, you must recollect you will pay less to an immediate war, than to peace with a war establishment, and a war to follow it. Recollect further, that whatever be your resources, they must outlast those of all your enemies; and further, that your empire cannot be saved by a calculation. Besides, your wealth is only a part of your situation. The name you have established, the deeds you have achieved, and the part you have sustained, preclude you from a second place among nations; and when you cease to be the first, you are nothing.

DANIEL O'CONNELL

February 24, 1824

CATHOLIC EMANCIPATION

Emancipation, he thought, might be attained by two means ; First, by external means, in which he included the apprehension of war, and the effect of foreign policy upon domestic legislation ; secondly, by internal wisdom, or a just application and disposition of the resources of those undiscovered mines which were latent in the body of our country.

As to external means, they should be repudiated and rejected, as the last extreme of painful and inevitable necessity, although they were frequently taken advantage of to forge the fetters of the Catholic people of Ireland. The Duke of Marlborough's external victories had been taken advantage of in the enactment of the penal code. In the strength and plenitude of power, England, during the reign of Queen Anne, had enacted a great portion of that frightful and horrible code, violating that religious toleration on which the Revolution had been founded—which Revolution it was that changed the dynasty of the Stuarts, and placed the predecessors of the present family on the throne of these realms. (Applause.) And if England, in the security of triumph, and in the insolence of haughty dominion, had put her foot upon their necks, there was a time, too (and it

might occur again), when she held out the hand of fellowship and friendship—when she 'kept the word of promise to the ear,' and wooed them into a convenient and profitable alliance. (Loud applause.)

In the experimental despotism which England fastened on Ireland, her mighty appetite for slavery was not gorged; and because our unfortunate country was proximate, and polite in the endurance of the burden so mercilessly imposed, it was inferred that slavery could be safely extended far and wide, and an attempt was therefore made on the American colonies. Despotism, in fact, was an all-craving and voracious animal: 'increase of appetite did grow on what it fed;' until endurance became at length too vile; and the Americans —the great God of Heaven bless them for it! (laughter and applause)—shook off the thraldom which a parliament, representing an inglorious and ignominious funding system, had sought to impose. (Cheers.) Oh, it was a noble sight, to see them in open battle, contending for their liberties! The recollection of the circumstance cheered and invigorated him in his progress: it gave him an elasticity, which all the fatigues of the day could not depress. (Cheers.)

> The friends they tried were by their side—
> The foes they dared before them.

Wives animated their husbands to the combat; they bid them contend for their children, for the dear pledges of their mutual love—(hear, hear)—mothers enjoined their sons to remember those who bore them—the younger sex bid their lovers earn their favours in a 'well foughten field', and to return arrayed in glory. They did so—God of

Heaven for ever bless them ; he said again. (Loud cheering, mingled with laughter.) Thanks to the valour and patriotism of Washington, a name dear to every lover of liberty, the Americans achieved their independence, and Providence spared the instrument to witness it. (Loud applause.)

The independence of America was the first blush of dawn to the Catholic, after a long and dreary night of degradation. Seventy years had they been in a land of bondage ; but like the chosen people, Providence had watched over, and the progress of events had liberated them, and redeemed them for the service of their country. The same Providence existed now, and why should they despair ? (Cheers.)

In 1778, Holland assumed a threatening aspect, and some wise friend—(a laugh)—whispered into the ear of England, 'search the rich resources of the Irish heart ; give to their arms a stimulus to exertion ; delude them with promises if you will, but convert their power into your strength and render them subservient to your purposes.' England took the advice : the meteor flag was unfurled ; the Danish, Spanish, and Dutch fleets peopled a wide waste of waters ; but what of Ireland ? Oh, although long neglected, she was faithful in the day of need : fifty thousand seamen were produced in a month—the Volunteers organized—a federate independence was created—and the Catholic cause was debated. But, lo ! peace came, and gratitude vanished ; and justice was not abroad ; and obligations remained unrequited ; and the Catholics were forgotten.

Forgotten ? No ! Acts were passed against them. (Loud and long-continued applause.)

Yes, strange as it might seem, the act taking from them the power to vote at vestries was passed at this very time; so that if the rectors agreed to build a church, the poor Catholics could not ask, 'Who is to go into it?' (Much laughter.) Or, if taking cold, he required repairs, they could not order him fifty shillings to buy glass windows! (Laughter.) Next came the French Revolution. That revolution produced some good, but it was not without alloy: it was mingled with much impiety. Liberty and religion were first separated. The experiment was a bad one. It had much of French levity in it, and a deal of what was much worse. The people of France should have remembered that Liberty is the first instinct of a generous religion. (Immense applause.)

This position he would not concede to any saint or Bible distributor. (Great applause.) The French, in folly, set religion at nought; they profaned the sanctuary, and they suffered for it. And if they are now settling into quiet, it is because they are settling into religion. (Applause.)

But he was trespassing on the time of the meeting—(no, no)—and in some measure wandering. (Cries of 'go on.') Well, he liked the subject, and would go on a little longer. He was saying the French Revolution produced much good. So it did. Dumourier gained the Battle of Jemappe—the French crossed the Pyrenees—General Biron was in Italy—England looked benignantly on Ireland—it served her interest, it was her policy to do so, and she passed another act in favour of the Irish Catholics. (Applause.) The Irish were made more thirsty for liberty by the drop that fell on their parched lips. (Applause.)

There was not one who heard him who did not mourn in affection, in dress, or in heart, for some relative or friend who fell in the field of battle. (Hear.) His own heart-strings were torn asunder by the loss of a beloved brother, the companion of his youth, and the offspring of the same loins. A kinsman of his, too, died at the storming of St. Sebastian. Three times did he mount the breach, and he fell at last, covered with wounds and with glory. (Applause.) He was as gay and as lovely a youth as ever shed his blood in defence of his country, and as fair withal as ever trod on the green sward of Erin. (Much applause.) He could not choose but name him. It was Lieutenant John O'Connell of the forty-third regiment. And what did the relatives of these brave men gain by this ?—what the Catholics of Ireland ? Why, the Marquis of Douro was made Duke of Wellington !

The victories of Wellington might be compared to those of Marlborough. Both had perpetuated despotism at home and abroad. Civil liberty was now extinct on the Continent. From the fair and classic shores of Naples to the Tanis and the Volga was one wide stretch of illimitable despotism. In Naples, where the king 'swore, and swore, and swore again', he returned against his oath, and put to death those who spared him. Piedmont was under the hoofs of the despots. In Portugal liberty was extinct. In Germany, no breath of public spirit was heard—their chards had become corporations to 'crib and cabin' the intellect of man. Brutal force controlled, for the present, the eternal empire of mind.

In France, the cause of liberty found some advocates, but they were few : the enemies of

the rights of man were the more numerous ; but, nevertheless, France enjoyed much practical liberty, and her peasantry were happy and well fed.

In England, Toryism was triumphant. The forges were all employed ; the funds were high and healthy ; the cry of war had been abandoned ; the navy was flourishing, and actively engaged ; the army was numerous, well fed, and well paid ; the Duke of York, their declared and open enemy, and who headed the Orange faction, was the commander-in-chief ; Mr. Canning was in office, secured by a motley cabinet, who opposed each other openly, but who covertly befriended themselves to the detriment of the country ; Mr. Peel, their avowed enemy, was firm in his place ; Lord Liverpool still opposed them. Was it, therefore, at all wonderful that the Catholics were despised, and their cause abandoned ?

In Ireland, they had been blamed for being agitators. He (Mr. O'Connell) thanked his God for being one. Whatever little they had gained, they had gained by agitation, while they uniformly lost by moderation. The last word was repeated so often, that he was completely sick of it. He wondered some gentleman did not teach a parrot to repeat it. ' (A laugh.) If we gained nothing by moderation, it cost us something. Our religion was reviled, and we thanked the revilers ; they spit in our faces and we paid 'em for it. (Laughter and applause.) This reminded him of Shylock, in ' The Merchant of Venice '—

> Fair Sir, you spat on me on Wednesday last ;
> On such a day you called me dog ;
> And for these *courtesies* I'll lend you so much monies.

The king came, and from the Catholics he reaped a rich harvest of gratitude. Anger and bigotry clothed their frightful forms in the garb of peace and conciliation, and became for a time allies to the throne. The feelings of the Catholics were, and he was not ashamed to say it, a little exaggerated by the natural ardour of the national temperament; by their innate sense of gratitude, and by the sentiments of duty and respect, which warmed into enthusiastic love. The king had dismissed the whiskered and feathered tribe, the reds and the blues, who delighted in clothing themselves in all sorts of muffs and tippets. (Much laughter.) He won the Irish, and he was received with one acclaiming shout from Dingle-o'-Cooch to the Giant's Causeway.

That most paltry of all paltry things, the Corporation of the City of Dublin, swallowed this as they would have a bitter pill. (Loud laughter.) It was a very long time since he had taken physic, but he had some slight recollection of the taste of a pill from his boyish days. (Laughter.) The cat, however, drew up its nails within its paw, and we met the velvet. (Laughter.) We pledged as men and gentlemen, and we kept our words. The Orangemen accuse us of not keeping faith with heretics, but they have kept no faith with us, from the Treaty of Limerick to the dinner at the Mansion House. (Loud applause.) They never made a treaty with us that they did not violate, when it was their interest or pleasure to do so. (Hear.) The vile press of London might taunt him for his observations to-day; but he would tell that press, that at the last time of which he was speaking, he bent his knee to his sovereign, in all the ardour

of duty, allegiance, and love—that knee which he bent only to his God beside. (Cheers.)

However, as he was saying, the Orangemen got alarmed—consultations were held—deputies came up to town, to preserve the Orange system. A representation was thereby established, and each county and city appointed some kind friend to act in behalf of the fraternity. (Loud and general applause.)

[Mr. O'Connell here called for a large package of books, letters, and papers which, he said, an honest fellow in the North (and God bless him for it!—laughter)—transmitted to him. (Here there were many cries of 'Read, read.')]

He would with the leave of the meeting, proceed to read, but he would first exhibit to them the signs and seals of the dignitaries of Donegal. This document should be framed and glazed forthwith, and suspended from the walls of the Catholic Association. (Hear, and laughter.) The county of Donegal was not regularly organized till 1813.

[Here Mr. B. Coyle stated that it was organized in 1796.]

Mr. O'Connell resumed. It was a very Catholic county, and although there might have been scattered Orangemen resident in it, still he had reason to think there was no organized Lodge till the period he had mentioned.

The learned gentleman now proceeded to read the regulations for admission, as assigned by the notorious Jack Giffard. Those who wished to be of the brotherhood should enter naked and hoodwinked. (Immense laughter.) This part of the business was denominated the Royal Arch Mark. They were next made acquainted with the dialogue,

which was represented by Giffard to be long, simple, and beautiful. (Laughter.)

Mr. O'Connell next read a letter, signed 'John Payne,' of the Cambridge militia, who was admitted to Lodge 1,287. This person stated that the forms were indecent and absurd, and that he had suffered considerable injury and abuse, and many things degrading to a good and loyal man, in becoming an Orangeman. It was worthy of remark that these Orange Lodges met on the first Tuesday in every assizes. If there was a bit of an acre of ground between a Protestant and a bloody Papist, or if there was an Orange murder, to be sure these honest Orangemen would not say a word about the matter to those of the fraternity summoned on juries. No, no; it would be indelicate to suppose such a thing. (Applause.) It was further to be observed, that Captain Nesbitt, after being one year in office, had resigned the grand-mastership of this Lodge to Sir James Galbraith, the crown-solicitor for the county. Therefore, the stream of justice was sure to flow unpolluted. (Cheering.) Oh (he said again), God bless the honest fellow who sent him these books! He was sure he was much obliged to him. (Hear.) It was in the recollection of many who heard him, that these selfsame gentry had petitioned the House of Commons against the respectable Jesuit establishment in Ireland.

The Jesuits were a body, the most enlightened in every age since their original formation. The tuition of the youth of Europe had been committed to them, and they had acquitted themselves nobly. There was no subject of science or elegant literature which they had not touched, and they

certainly improved and adorned every subject on which they had written. At a time when bigotry was the epidemic of the age in England, efforts were certainly made by subornation of perjury to malign and traduce the character of this society; but the clear and steady light of history—'*temporum testis, lux veritatis*'—had pronounced a judgement not less severe than merited on these attempts.

GEORGE CANNING

December 12, 1826

AFFAIRS OF PORTUGAL

Mr. Speaker, In proposing to the House of Commons to acknowledge, by an humble and dutiful address, His Majesty's most gracious message, and to reply to it in terms which will be, in effect, an echo of the sentiments, and a fulfilment of the anticipations of that message, I feel that, however confident I may be in the justice, and however clear as to the policy of the measures therein announced, it becomes me, as a British minister, recommending to Parliament any step which may approximate this country even to the hazard of a war, while I explain the grounds of that proposal, to accompany my explanation with expressions of regret.

I can assure the House, that there is not within its walls any set of men more deeply convinced than His Majesty's ministers—nor any individual more intimately persuaded than he who has now the honour of addressing you—of the vital importance of the continuance of peace, to this country and to the world. So strongly am I impressed with this opinion—and for reasons of which I will put the House more fully in possession before I sit down—that, I declare, there is no question of doubtful or controverted policy—no opportunity of present national advantage—no precaution against remote difficulty—which I would not

gladly compromise, pass over, or adjourn, rather than call on Parliament to sanction, at this moment, any measure which had a tendency to involve the country in war. But, at the same time, sir, I feel that which has been felt, in the best times of English history, by the best statesmen of this country, and by the Parliaments by whom those statesmen were supported—I feel that there are two causes, and but two causes, which cannot be either compromised, passed over, or adjourned. These causes are, adherence to the national faith, and regard for the national honour.

Sir, if I did not consider both these causes as involved in the proposition which I have this day to make to you, I should not address the House, as I now do, in the full and entire confidence that the gracious communication of His Majesty will be met by the House with the concurrence of which His Majesty has declared his expectation.

In order to bring the matter which I have to submit to you under the cognizance of the House in the shortest and clearest manner, I beg leave to state it, in the first instance, divested of any collateral considerations. It is a case of law and of fact:—of national law on the one hand, and of notorious fact on the other; such as it must be, in my opinion, as impossible for Parliament as it was for the Government to regard in any but one light; or to come to any but one conclusion upon it.

Among the alliances by which, at different periods of our history, this country has been connected with the other nations of Europe, none is so ancient in origin, and so precise in obligation—none has continued so long and been observed so

faithfully—of none is the memory so intimately interwoven with the most brilliant records of our triumphs, as that by which Great Britain is connected with Portugal. It dates back to distant centuries; it has survived an endless variety of fortunes. Anterior in existence to the accession of the House of Braganza to the throne of Portugal—it derived, however, fresh vigour from that event; and never, from that epoch to the present hour, has the independent monarchy of Portugal ceased to be nurtured by the friendship of Great Britain. This alliance has never been seriously interrupted; but it has been renewed by repeated sanctions. It has been maintained under difficulties by which the fidelity of other alliances was shaken, and has been vindicated in fields of blood and of glory.

That the alliance with Portugal has been always unqualifiedly advantageous to this country—that it has not been sometimes inconvenient and sometimes burthensome—I am not bound nor prepared to maintain. But no British statesman, so far as I know, has ever suggested the expediency of shaking it off; and it is assuredly not at a moment of need, that honour, and what I may be allowed to call national sympathy, would permit us to weigh, with an over scrupulous exactness, the amount of difficulties and dangers attendant upon its faithful and steadfast observance. What feelings of national honour would forbid, is forbidden alike by the plain dictates of national faith.

It is not at distant periods of history, and in bygone ages only, that the traces of the union between Great Britain and Portugal are to be

found. In the last compact of modern Europe, the compact which forms the basis of its present international law—I mean the Treaty of Vienna of 1815—this country, with its eyes open to the possible inconveniences of the connexion, but with a memory awake to its past benefits—solemnly renewed the previously existing obligations of alliance and amity with Portugal. I will take leave to read to the House the third article of the Treaty concluded at Vienna in 1815, between Great Britain on the one hand, and Portugal on the other. It is couched in the following terms :—'The Treaty of Alliance concluded at Rio de Janeiro, on the 19th of February, 1810, being founded on circumstances of a temporary nature, which have happily ceased to exist, the said Treaty is hereby declared to be void in all its parts, and of no effect ; *without prejudice, however, to the ancient treaties of alliance, friendship, and guarantee, which have so long and so happily subsisted between the two Crowns, and which are hereby renewed by the high contracting parties, and acknowledged to be of full force and effect.*'

In order to appreciate the force of this stipulation,—recent in point of time, recent also in the sanction of Parliament,—the House will perhaps allow me to explain shortly the circumstances in reference to which it was contracted. In the year 1807, when, upon the declaration of Buonaparte, that the House of Braganza had ceased to reign, the King of Portugal, by the advice of Great Britain, was induced to set sail for the Brazils; almost at the very moment of His Most Faithful Majesty's embarkation, a secret convention was signed between His Majesty and the King of

Portugal, stipulating that, in the event of His Most Faithful Majesty's establishing the seat of his Government in Brazil, Great Britain would never acknowledge any other dynasty than that of the House of Braganza on the throne of Portugal. That convention, I say, was contemporaneous with the migration to the Brazils; a step of great importance at the time, as removing from the grasp of Buonaparte the sovereign family of Braganza. Afterwards, in the year 1810, when the seat of the King of Portugal's Government was established at Rio de Janeiro, and when it seemed probable, in the then apparently hopeless condition of the affairs of Europe, that it was likely long to continue there, the secret convention of 1807, of which the main object was accomplished by the fact of the emigration to Brazil, was abrogated; and a new and public treaty was concluded, into which was transferred the stipulation of the convention of 1807, binding Great Britain, so long as His Faithful Majesty should be compelled to reside in Brazil, not to acknowledge any other sovereign of Portugal than a member of the House of Braganza. That stipulation which had hitherto been *secret*, thus became *patent*, and part of the known law of nations.

In the year 1814, in consequence of the happy conclusion of the war, the option was afforded to the King of Portugal of returning to his European dominions. It was then felt that, as the necessity of His Most Faithful Majesty's absence from Portugal had ceased, the ground of the obligation originally contracted in the secret convention of 1807, and afterwards transferred to the patent Treaty of 1810, was removed. The Treaty of

1810 was therefore annulled at the Congress of Vienna; and in lieu of the stipulation not to acknowledge any other sovereign of Portugal than a member of the House of Braganza, was substituted that which I have just read to the House.

Annulling the Treaty of 1810, the Treaty of Vienna renews and confirms (as the House will have seen), all *former* treaties between Great Britain and Portugal, describing them as 'ancient treaties of alliance, friendship, and guarantee'; as having 'long and happily subsisted between the two Crowns'; and as being allowed, by the two high contracting parties, to remain 'in full force and effect'.

What then is the force—what is the effect of those ancient treaties? I am prepared to show to the House what it is. But before I do so, I must say, that if all the treaties to which this article of the Treaty of Vienna refers, had perished by some convulsion of nature, or had by some extraordinary accident been consigned to total oblivion, still it would be impossible not to admit, as an incontestible inference from this article of the Treaty of Vienna alone, that in a moral point of view, there is incumbent on Great Britain a decided obligation to act as the effectual defender of Portugal. If I could not show the letter of a single antecedent stipulation, I should still contend that a solemn admission, only ten years old, of the existence at that time of 'treaties of alliance, friendship, and guarantee', held Great Britain to the discharge of the obligations which that very description implies. But fortunately there is no such difficulty in specifying the nature of those obligations. All the preceding treaties exist—all

of them are of easy reference—all of them are known to this country, to Spain, to every nation of the civilized world. They are so numerous, and their general result is so uniform, that it may be sufficient to select only two of them to show the nature of all.

The first to which I shall advert is the Treaty of 1661, which was concluded at the time of the marriage of Charles II with the Infanta of Portugal. After reciting the marriage, and making over to Great Britain, in consequence of that marriage, first, a considerable sum of money, and secondly, several important places, some of which, as Tangier, we no longer possess; but others of which, as Bombay, still belong to this country, the Treaty runs thus:—'In consideration of all which grants, so much to the benefit of the King of Great Britain and his subjects in general, and of the delivery of those important places to his said Majesty and his heirs for ever, &c., the King of Great Britain does profess and declare, with the consent and advice of his Council, that he will take the interest of Portugal and all its dominions to heart, defending the same with his utmost power by sea and land, *even as England itself*'; and it then proceeds to specify the succours to be sent, and the manner of sending them.

I come next to the Treaty of 1703, a treaty of alliance contemporaneous with the Methuen Treaty which has regulated, for upwards of a century, the commercial relations of the two countries. The Treaty of 1703 was a tripartite engagement between the States-General of Holland, England, and Portugal. The second article of that Treaty sets forth, that 'If ever it shall happen that the

Kings of Spain and France, either the present or the future, that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war upon the kingdom of Portugal, either on the continent of Europe, or on its dominions beyond seas; Her Majesty the Queen of Great Britain, and the Lords the States-General, shall use their friendly offices with the said kings, or either of them, in order to persuade them to observe the terms of peace towards Portugal, and not to make war upon it.' The third article declares, that in the event of these 'good offices not proving successful, but altogether ineffectual, so that war should be made by the aforesaid kings, or by either of them, upon Portugal, the above-mentioned powers of Great Britain and Holland shall make war with all their force upon the foresaid kings or king who shall carry hostile arms into Portugal; and towards that war which shall be carried on in Europe, they shall supply 12,000 men, whom they shall arm and pay, as well when in quarters as in action; and the said high allies shall be obliged to keep that number of men complete, by recruiting it from time to time at their own expense.'

I am aware, indeed, that with respect to either of the treaties which I have quoted, it is possible to raise a question—whether variation of circumstances or change of times may not have somewhat relaxed its obligations. The Treaty of 1661, it might be said, was so loose and prodigal in the wording—it is so unreasonable, so wholly out of nature, that any one country should be expected to defend another, '*even as itself*'; such stipulations

are of so exaggerated a character as to resemble effusions of feeling rather than enunciations of deliberate compact. Again, with respect to the Treaty of 1703, if the case rested on that treaty alone, a question might be raised, whether or not, when one of the contracting parties—Holland—had since so changed her relations with Portugal, as to consider her obligations under the Treaty of 1703 as obsolete—whether or not, I say, under such circumstances, the obligation on the remaining party be not likewise void. I should not hesitate to answer both these objections in the negative. But without entering into such a controversy, it is sufficient for me to say, that the time and place for taking such objections was at the Congress at Vienna. Then and there it was, that if you indeed considered these treaties as obsolete, you ought frankly and fearlessly to have declared them to be so. But then and there, with your eyes open, and in the face of all modern Europe, you proclaimed anew the ancient treaties of alliance, friendship, and guarantee, 'so long subsisting between the crowns of Great Britain and Portugal', as still 'acknowledged by Great Britain', and still 'of full force and effect'. It is not, however, on specific articles alone—it is not so much, perhaps, on either of these ancient treaties, taken separately, as it is on the spirit and understanding of the whole body of treaties, of which the essence is concentrated and preserved in the Treaty of Vienna, that we acknowledge in Portugal a right to look to Great Britain as her ally and defender.

This, sir, being the state, morally and politically, of our obligations towards Portugal, it is obvious that when Portugal, in apprehension of the coming

storm, called on Great Britain for assistance, the only hesitation on our part could be—not whether that assistance was due, supposing the occasion for demanding it to arise, but simply whether that occasion—in other words, whether the *casus foederis*—had arisen.

I understand, indeed, that in some quarters it has been imputed to His Majesty's ministers that an extraordinary delay intervened between the taking of the determination to give assistance to Portugal, and the carrying of that determination into effect. But how stands the fact ? On Sunday, the 3rd of this month, we received from the Portuguese Ambassador a direct and formal demand of assistance against a hostile aggression from Spain. Our answer was—that although rumours had reached us through France, His Majesty's Government had not that accurate information—that official and precise intelligence of facts—on which they could properly found an application to Parliament. It was only on last Friday night that this precise information arrived. On Saturday His Majesty's confidential servants came to a decision. On Sunday that decision received the sanction of His Majesty. On Monday it was communicated to both Houses of Parliament—and this day, sir—at the hour in which I have the honour of addressing you—the troops are on their march for embarkation.

I trust, then, sir, that no unseemly delay is imputable to Government. But, undoubtedly, on the other hand, when the claim of Portugal for assistance—a claim, clear indeed in justice, but at the same time fearfully spreading in its possible consequences, came before us, it was the duty of

His Majesty's Government to do nothing on hearsay. The eventual force of the claim was admitted; but a thorough knowledge of facts was necessary before the compliance with that claim could be granted. The Government here laboured under some disadvantage. The rumours which reached us through Madrid were obviously distorted, to answer partial political purposes; and the intelligence through the press of France, though substantially correct, was, in particulars, vague and contradictory. A measure of grave and serious moment could never be founded on such authority; nor could the ministers come down to Parliament until they had a confident assurance that the case which they had to lay before the Legislature was true in all its parts.

But, there was another reason which induced a necessary caution. In former instances, when Portugal applied to this country for assistance, the whole power of the state in Portugal was vested in the person of the monarch. The expression of his wish, the manifestation of his desire, the putting forth of his claim, was sufficient ground for immediate and decisive action on the part of Great Britain, supposing the *casus foederis* to be made out. But, on this occasion, inquiry was in the first place to be made whether, according to the new Constitution of Portugal, the call upon Great Britain was made with the consent of all the powers and authorities competent to make it, so as to carry with it an assurance of that reception in Portugal for our army, which the army of a friend and ally had a right to expect. Before a British soldier should put his foot on Portuguese ground, nay, before he should leave the shores of

England, it was our duty to ascertain that the step taken by the Regency of Portugal was taken with the cordial concurrence of the Legislature of that country. It was but this morning that we received intelligence of the proceedings of the Chambers at Lisbon, which establishes the fact of such concurrence. This intelligence is contained in a dispatch from Sir W. A'Court, dated 29th of November, of which I will read an extract to the House. 'The day after the news arrived of the entry of the rebels into Portugal, the Ministers demanded from the Chambers an extension of power for the Executive Government; and the permission to apply for foreign succours, in virtue of ancient treaties, in the event of their being deemed necessary. The Deputies gave the requisite authority by acclamation; and an equally good spirit was manifested by the peers, who granted every power that the Ministers could possibly require. They went even further, and rising in a body from their seats, declared their devotion to their country, and their readiness to give their personal services, if necessary, to repel any hostile invasion. The Duke de Cadaval, President of the Chamber, was the first to make this declaration; and the Minister who described this proceeding to me, said it was a movement worthy of the good days of Portugal!'

I have thus incidentally disposed of the supposed imputation of delay in complying with the requisition of the Portuguese Government. The main question, however, is this—Was it obligatory upon us to comply with that requisition? In other words, had the *casus foederis* arisen? In our opinion it had. Bands

of Portuguese rebels, armed, equipped, and trained in Spain, had crossed the Spanish frontier, carrying terror and devastation into their own country, and proclaiming sometimes the brother of the reigning sovereign of Portugal, sometimes a Spanish Princess, and sometimes even Ferdinand of Spain, as the rightful occupant of the Portuguese throne. These rebels crossed the frontier, not at one point only, but at several points; for it is remarkable that the aggression, on which the original application to Great Britain for succour was founded, is not the aggression with reference to which that application has been complied with.

The attack announced by the French newspapers was on the north of Portugal, in the province of Tras-os-Montes; an official account of which has been received by His Majesty's Government only this day. But on Friday an account was received of an invasion in the south of Portugal, and of the capture of Villa Viciosa, a town lying on the road from the southern frontier to Lisbon. This new fact established, even more satisfactorily than a mere confirmation of the attack first complained of would have done, the systematic nature of the aggression from Spain against Portugal. One hostile irruption might have been made by some single corps escaping from their quarters—by some body of stragglers, who might have evaded the vigilance of Spanish authorities; and one such accidental and unconnected act of violence might not have been conclusive evidence of cognizance and design on the part of those authorities; but when a series of attacks are made along the whole line of a frontier, it is difficult to deny that such

multiplied instances of hostility are evidence of concerted aggression.

If a single company of *Spanish* soldiers had crossed the frontier in hostile array, there could not, it is presumed, be a doubt as to the character of that invasion. Shall bodies of men, armed, clothed, and regimented by Spain, carry fire and sword into the bosom of her unoffending neighbour, and shall it be pretended that no attack, no invasion has taken place, because, forsooth, these outrages are committed against Portugal by men to whom Portugal had given birth and nurture? What petty quibbling would it be to say, that an invasion of Portugal from Spain was not a *Spanish* invasion, because Spain did not employ her own troops, but hired mercenaries to effect her purpose? And what difference is it, except as aggravation, that the mercenaries in this instance were natives of Portugal?

I have already stated, and I now repeat, that it never has been the wish or the pretension of the British Government to interfere in the internal concerns of the Portuguese nation. Questions of that kind the Portuguese nation must settle among themselves. But if we were to admit that hordes of traitorous refugees from Portugal with Spanish arms—or arms furnished or restored to them by Spanish authorities—in their hands, might put off their country for one purpose, and put it on again for another—put it off for the purpose of attack, and put it on again for the purpose of impunity—if, I say, we were to admit this juggle, and either pretend to be deceived by it ourselves, or attempt to deceive Portugal, into a belief that there was nothing of external attack, nothing of

foreign hostility, in such a system of aggression—such pretence and attempt would perhaps be only ridiculous and contemptible; if they did not require a much more serious character from being employed as an excuse for infidelity to ancient friendship, and as a pretext for getting rid of the positive stipulations of treaties.

This, then, is the case which I lay before the House of Commons. Here is, on the one hand, an undoubted pledge of national faith—not taken in a corner—not kept secret between the parties—but publicly recorded amongst the annals of history, in the face of the world. Here are, on the other hand, undeniable acts of foreign aggression, perpetrated, indeed, principally through the instrumentality of domestic traitors; but supported with foreign means, instigated by foreign councils, and directed to foreign ends. Putting these facts and this pledge together, it is impossible that His Majesty should refuse the call that has been made upon him; nor can Parliament, I am convinced, refuse to enable His Majesty to fulfil his undoubted obligations. I am willing to rest the whole question of to-night, and to call for the vote of the House of Commons upon this simple case, divested altogether of collateral circumstances; from which I especially wish to separate it, in the minds of those who hear me, and also in the minds of others, to whom what I now say will find its way. If I were to sit down this moment, without adding another word, I have no doubt but that I should have the concurrence of the House in the address which I mean to propose.

When I state this, it will be obvious to the House that the vote for which I am about to call

upon them is a vote for the defence of Portugal, not a vote for war against Spain. I beg the House to keep these two points entirely distinct in their consideration. For the former I think I have said enough. If, in what I have now further to say, I should bear hard upon the Spanish Government, I beg that it may be observed, that, unjustifiable as I shall show their conduct to have been—contrary to the law of nations, contrary to the law of good neighbourhood, contrary, I might say, to the laws of God and man—with respect to Portugal—still I do not mean to preclude a *locus poenitentiae*, a possibility of redress and reparation. It is our duty to fly to the defence of Portugal—be the assailant who he may. And, be it remembered, that, in thus fulfilling the stipulations of ancient treaties, of the existence and obligation of which all the world are aware, we, according to the universally admitted construction of the law of nations, neither make war upon that assailant, nor give to that assailant, much less to any other power, just cause of war against ourselves.

Sir, the present situation of Portugal is so anomalous, and the recent years of her history are crowded with events so unusual, that the House will, perhaps, not think that I am unprofitably wasting its time, if I take the liberty of calling its attention shortly and succinctly to those events, and to their influence on the political relations of Europe. It is known that the consequence of the residence of the King of Portugal in Brazil was to raise the latter country from a colonial to a metropolitan condition ; and that from the time when the king began to contemplate his return to Portugal, there grew up in Brazil

a desire of independence that threatened dissension, if not something like civil contest, between the European and American dominions of the House of Braganza. It is known also that Great Britain undertook a mediation between Portugal and Brazil, and induced the king to consent to a separation of the two Crowns—confirming that of Brazil on the head of his eldest son. The ink with which this agreement was written was scarcely dry, when the unexpected death of the King of Portugal produced a new state of things, which re-united on the same head the two Crowns which it had been the policy of England, as well as of Portugal and of Brazil, to separate. On that occasion Great Britain, and another European Court closely connected with Brazil, tendered advice to the Emperor of Brazil, now become King of Portugal, which advice it cannot be accurately said that His Imperial Majesty followed, because he had decided for himself before it reached Rio de Janeiro; but in conformity with which advice, though not in consequence of it, His Imperial Majesty determined to abdicate the Crown of Portugal in favour of his eldest daughter. But the Emperor of Brazil had done more. What had not been foreseen—what would have been beyond the province of any foreign power to advise—His Imperial Majesty had accompanied his abdication of the Crown of Portugal with the grant of a free constitutional charter to that kingdom.

It has been surmised that this measure, as well as the abdication which it accompanied, was the offspring of our advice. No such thing—Great Britain did not suggest this measure. It is not

her duty nor her practice to offer suggestions for the internal regulation of foreign states. She neither approved nor disapproved of the grant of a constitutional charter to Portugal: her opinion upon that grant was never required. True it is, that the instrument of the constitutional charter was brought to Europe by a gentleman of high trust in the service of the British Government. Sir C. Stuart had gone to Brazil to negotiate the separation between that country and Portugal. In addition to his character of Plenipotentiary of Great Britain, as the mediating power, he had also been invested by the King of Portugal with the character of His Most Faithful Majesty's Plenipotentiary for the negotiation with Brazil. That negotiation had been brought to a happy conclusion; and therewith the British part of Sir C. Stuart's commission had terminated. But Sir C. Stuart was still resident at Rio de Janeiro, as the Plenipotentiary of the King of Portugal, for negotiating commercial arrangements between Portugal and Brazil. In this latter character it was, that Sir C. Stuart, on his return to Europe, was requested by the Emperor of Brazil to be the bearer to Portugal of the new constitutional charter. His Majesty's Government found no fault with Sir C. Stuart for executing this commission; but it was immediately felt that if Sir C. Stuart were allowed to remain at Lisbon, it might appear in the eyes of Europe that England was the contriver and imposer of the Portuguese Constitution. Sir C. Stuart was, therefore, directed to return home forthwith; in order that the Constitution, if carried into effect there, might plainly appear to be adopted by the

Portuguese nation itself, not forced upon them by English interference.

As to the merits, sir, of the new Constitution of Portugal, I have neither the intention nor the right to offer any opinion. Personally, I may have formed one; but as an English Minister, all I have to say is:—'May God prosper this attempt at the establishment of constitutional liberty in Portugal! and may that nation be found as fit to enjoy and to cherish its new-born privileges, as it has often proved itself capable of discharging its duties amongst the nations of the world!'

I, sir, am neither the champion nor the critic of the Portuguese Constitution. But it is admitted on all hands to have proceeded from a legitimate source—a consideration which has mainly reconciled continental Europe to its establishment: and to us, as Englishmen, it is recommended by the ready acceptance which it has met with from all orders of the Portuguese people. To that Constitution, therefore, thus unquestioned in its origin, even by those who are most jealous of new institutions—to that Constitution, thus sanctioned in its outset by the glad and grateful acclamations of those who are destined to live under it—to that Constitution, founded on principles in a great degree similar to those of our own, though differently modified—it is impossible that Englishmen should not wish well. But it would not be for us to force that Constitution on the people of Portugal, if they were unwilling to receive it, or if any schism should exist amongst the Portuguese themselves, as to its fitness and congeniality to the wants and wishes of the nation. It is no business of ours to fight its battles. We go to

Portugal in the discharge of a sacred obligation, contracted under ancient and modern treaties. When there, nothing shall be done by us to enforce the establishment of the Constitution; but we must take care that nothing shall be done by others to prevent it from being fairly carried into effect. Internally, let the Portuguese settle their own affairs; but with respect to external force, while Great Britain has an arm to raise, it must be raised against the efforts of any power that should attempt forcibly to control the choice and fetter the independence of Portugal.

Has such been the intention of Spain? Whether the proceedings which have lately been practised or permitted in Spain were acts of a Government exercising the usual power of prudence and foresight (without which a Government is, for the good of the people which live under it, no Government at all), or whether they were the acts of some secret illegitimate power—of some furious fanatical faction, over-riding the counsels of the ostensible Government, defying it in the capital, and disobeying it on the frontiers—I will not stop to inquire. It is indifferent to Portugal, smarting under her wrongs—it is indifferent to England, who is called upon to avenge them—whether the present state of things be the result of the intrigues of a faction, over which, if the Spanish Government has no control, it ought to assume one as soon as possible—or of local authorities, over whom it has control, and for whose acts it must, therefore, be held responsible. It matters not, I say, from which of these sources the evil has arisen. In either case, Portugal must be protected: and from England that protection is due.

It would be unjust, however, to the Spanish Government, to say that it is only amongst the members of that Government that an unconquerable hatred of liberal institutions exists in Spain. However incredible the phenomenon may appear in this country, I am persuaded that a vast majority of the Spanish nation entertain a decided attachment to arbitrary power, and a predilection for absolute government. The more liberal institutions of countries in their neighbourhood have not yet extended their influence into Spain, nor awakened any sympathy in the mass of the Spanish people. Whether the public authorities of Spain did or did not partake of the national sentiment, there would almost necessarily grow up between Portugal and Spain, under present circumstances, an opposition of feelings, which it would not require the authority or the suggestions of the Government to excite and stimulate into action. Without blame, therefore, to the Government of Spain—out of the natural antipathy between the two neighbouring nations—the one prizing its recent freedom, the other hugging its traditionary servitude—there might arise mutual provocations and reciprocal injuries which, perhaps, even the most active and vigilant ministry could not altogether restrain. I am inclined to believe that such has been, in part at least, the origin of the differences between Spain and Portugal. That in their progress they have been adopted, matured, methodized, combined, and brought into more perfect action, by some authority more united and more efficient than the mere feeling disseminated through the mass of the community, is certain; but I do believe their origin to have been as much

in the real sentiment of the Spanish population, as in the opinion or contrivance of the Government itself.

Whether this be or be not the case, is precisely the question between us and Spain. If, though partaking in the general feelings of the Spanish nation, the Spanish Government has, nevertheless, done nothing to embody those feelings, and to direct them hostilely against Portugal; if all that has occurred on the frontiers has occurred only because the vigilance of the Spanish Government has been surprised, its confidence betrayed, and its orders neglected—if its engagements have been repeatedly and shamefully violated, not by its own goodwill, but against its recommendation and desire—let us see some symptoms of disapprobation, some signs of repentance, some measures indicative of sorrow for the past, and of sincerity for the future. In that case, His Majesty's message, to which I propose this night to return an answer of concurrence, will retain the character which I have ascribed to it—that of a measure of defence for Portugal, not a measure of resentment against Spain.

With these explanations and qualifications, let us now proceed in the review of facts. Great desertions took place from the Portuguese army into Spain, and some desertions took place from the Spanish army into Portugal. In the first instance the Portuguese authorities were taken by surprise; but, in every subsequent instance, where they had an opportunity of exercising a discretion, it is but just to say that they uniformly discouraged the desertions of the Spanish soldiery. There exists between Spain and Portugal specific treaties,

stipulating the mutual surrender of deserters. Portugal had, therefore, a right to claim of Spain that every Portuguese deserter should be forthwith sent back. I hardly know whether from its own impulse, or in consequence of our advice, the Portuguese Government waived its right under those treaties ; very wisely reflecting, that it would be highly inconvenient to be placed by the return of their deserters in the difficult alternative of either granting a dangerous amnesty, or ordering numerous executions. The Portuguese Government, therefore, signified to Spain that it would be entirely satisfied if, instead of surrendering the deserters, Spain would restore their arms, horses, and equipments ; and, separating the men from their officers, would remove both from the frontiers into the interior of Spain. Solemn engagements were entered into by the Spanish Government to this effect—first with Portugal, next with France, and afterwards with England. Those engagements, concluded one day, were violated the next. The deserters, instead of being disarmed and dispersed, were allowed to remain congregated together near the frontiers of Portugal ; where they were enrolled, trained, and disciplined, for the expedition which they have since undertaken. It is plain that in these proceedings there was perfidy somewhere. It rests with the Spanish Government to show that it was not with them. It rests with the Spanish Government to prove that, if its engagements have not been fulfilled, if its intentions have been eluded and unexecuted, the fault has not been with the Government ; and that it is ready to make every reparation in its power.

I have said that these promises were made to

France and to Great Britain, as well as to Portugal. I should do a great injustice to France if I were not to add that the representations of that Government upon this point with the Cabinet of Madrid have been as urgent, and, alas! as fruitless as those of Great Britain. Upon the first irruption into the Portuguese territory, the French Government testified its displeasure by instantly recalling its Ambassador; and it further directed its Chargé d'Affaires to signify to His Catholic Majesty that Spain was not to look for any support from France against the consequences of this aggression upon Portugal. I am bound, I repeat, in justice to the French Government, to state that it has exerted itself to the utmost, in urging Spain to retrace the steps which she has so unfortunately taken. It is not for me to say whether any more efficient course might have been adopted to give effect to their exhortations; but as to the sincerity and good faith of the exertions made by the Government of France, to press Spain to the execution of her engagements, I have not the shadow of a doubt, and I confidently reckon upon their continuance.

It will be for Spain, upon knowledge of the step now taken by His Majesty, to consider in what way she will meet it. The earnest hope and wish of His Majesty's Government is, that she may meet it in such a manner as to avert any ill consequences to herself from the measure into which we have been driven by the unjust attack upon Portugal.

Sir, I set out with saying that there were reasons which entirely satisfied my judgement that nothing short of a point of national faith

or national honour would justify at the present moment any voluntary approximation to the possibility of war. Let me be understood, however, distinctly, as not meaning to say that I dread war in a good cause (and in no other may it be the lot of this country ever to engage !) from a distrust of the strength of the country to commence it, or of her resources to maintain it. I dread it, indeed, but upon far other grounds ; I dread it from an apprehension of the tremendous consequences which might arise from any hostilities in which we might now be engaged. Some years ago, in the discussion of the negotiations respecting the French war against Spain, I took the liberty of adverting to this topic. I then stated that the position of this country in the present state of the world was one of neutrality, not only between contending nations, but between conflicting principles ; and that it was by neutrality alone that we could maintain that balance, the preservation of which I believed to be essential to the welfare of mankind. I then said that I feared that the next war which should be kindled in Europe would be a war not so much of armies as of opinions. Not four years have elapsed, and behold my apprehension realized ! It is, to be sure, within narrow limits that this war of opinion is at present confined : but it *is* a war of opinion, that Spain (whether as Government or as nation) is now waging against Portugal ; it is a war which has commenced in hatred of the new institutions of Portugal. How long is it reasonable to expect that Portugal will abstain from retaliation ? If into that war this country shall be compelled to enter, we shall enter into it with a sincere and

anxious desire to mitigate rather than exasperate—and to mingle only in the conflict of arms, not in the more fatal conflict of opinions. But I much fear that this country (however earnestly she may endeavour to avoid it) could not, in such case, avoid seeing ranked under her banners all the restless and dissatisfied of any nation with which she might come in conflict. It is the contemplation of this new *power* in any future war which excites my most anxious apprehension. It is one thing to have a giant's strength, but it would be another to use it like a giant. The consciousness of such strength is, undoubtedly, a source of confidence and security; but in the situation in which this country stands, our business is not to seek opportunities of displaying it, but to content ourselves with letting the professors of violent and exaggerated doctrines on both sides feel that it is not their interest to convert an umpire into an adversary. The situation of England, amidst the struggle of political opinions which agitates more or less sensibly different countries of the world, may be compared to that of the Ruler of the Winds, as described by the poet:—

> . . . Celsâ sedet Aeolus arce,
> Sceptra tenens; mollitque animos et temperat iras;
> Ni faciat, maria ac terras coelumque profundum
> Quippe ferant rapidi secum, verrantque per auras.

The consequence of letting loose the passions at present chained and confined would be to produce a scene of desolation which no man can contemplate without horror; and I should not sleep easy on my couch, if I were conscious that I had contributed to precipitate it by a single moment.

This, then, is the reason—a reason very different

from fear—the reverse of a consciousness of disability—why I dread the recurrence of hostilities in any part of Europe ; why I would bear much, and would forbear long ; why I would (as I have said) put up with almost anything that did not touch national faith and national honour ;—rather than let slip the furies of war, the leash of which we hold in our hands—not knowing whom they may reach, or how far their ravages may be carried. Such is the love of peace which the British Government acknowledges ; and such the necessity for peace which the circumstances of the world inculcate. I will push these topics no further.

I return, in conclusion, to the object of the address. Let us fly to the aid of Portugal, by whomsoever attacked, because it is our duty to do so ; and let us cease our interference where that duty ends. We go to Portugal, not to rule, not to dictate, not to prescribe constitutions, but to defend and to preserve the independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted, foreign dominion shall not come.

RICHARD LALOR SHIEL

October 24, 1828

THE CATHOLICS OF IRELAND

Let no man believe that I have come here, in order that I might enter the lists of religious controversy and engage with any of you in a scholastic disputation. In the year 1828, the Real Presence does not afford an appropriate subject for debate, and it is not by the shades of a mystery that the rights of a British citizen are to be determined. I do not know whether there are many here by whom I am regarded as an idolater, because I conscientiously adhere to the faith of your forefathers and profess the doctrine in which I was born and bred; but if I am so accounted by you, you ought not to inflict a civil deprivation upon the accident of the cradle. You ought not to punish me for that for which I am not in reality to blame. If you do, you will make the misfortune of the Catholic the fault of the Protestant, and by inflicting a wrong upon my religion, cast a discredit upon your own. I am not the worse subject of my king, and the worse citizen of my country, because I concur in the belief of the great majority of the Christian world; and I will venture to add, with the frankness and something of the bluntness by which Englishmen are considered to be characterized, that if I am

an idolater, I have a right to be one, if I choose; my idolatry is a branch of my prerogative, and is no business of yours. But you have been told by Lord Winchilsea that the Catholic religion is the adversary of freedom. It may occur to you, perhaps, that his lordship affords a proof in his own person, that a passion for Protestantism and a love of liberty are not inseparably associated; but without instituting too minute or embarrassing an inquiry into the services to freedom, which in the course of his political life have been conferred by my Lord Winchilsea, and putting aside all personal considerations connected with the accuser, let me proceed to the accusation. Calumniators of Catholicism, have you read the history of your country? Of the charges against the religion of Ireland, the annals of England afford the confutation. The body of your common law was given by the Catholic Alfred. He gave you your judges, your magistrates, your high sheriffs—(you, sir, hold your office, and have called this great assembly, by virtue of his institutions)—your courts of justice, your elective system, and, the great bulwark of your liberties, the trial by jury. When Englishmen peruse the chronicles of their glory, their hearts beat high with exultation, their emotions are profoundly stirred, and their souls are ardently expanded. Where is the English boy, who reads the story of his great island, whose pulse does not beat at the name of Runnemede, and whose nature is not deeply thrilled at the contemplation of that great incident, when the mitred Langton, with his uplifted crosier, confronted the tyrant, whose sceptre shook in his trembling hand, and extorted what you have so justly called the

Great, and what, I trust in God, you will have cause to designate as your everlasting, Charter? It was by a Catholic Pontiff that the foundation stone in the temple of liberty was laid; and it was at the altars of that religion, which you are accustomed to consider as the handmaid of oppression, that the architects of the constitution knelt down. Who conferred upon the people the right of self-taxation, and fixed, if he did not create, the representation of the people? The Catholic, Edward I; while, in the reign of Edward III, perfection was given to the representative system, parliaments were annually called, and the statute against constructive treason was enacted. It is false, foully, infamously false, that the Catholic religion, the religion of your forefathers, the religion of seven millions of your fellow-subjects, has been the auxiliary of debasement, and that to its influences the suppression of British freedom can, in a single instance, be referred. I am loath to say that which can give you cause to take offence; but when the faith of my country is made the object of imputation, I cannot help, I cannot refrain, from breaking into a retaliatory interrogation, and from asking whether the overthrow of the old religion of England was not effected by a tyrant, with a hand of iron and a heart of stone? whether Henry did not trample upon freedom, while upon Catholicism he set his foot; and whether Elizabeth herself, the virgin of the Reformation, did not inherit her despotism with her creed; whether in her reign the most barbarous atrocities were not committed; whether torture, in violation of the Catholic common law of England, was not politically

inflicted, and with the shrieks of agony the Towers of Julius, in the dead of night, did not re-echo? And to pass to a more recent period, was it not on the very day on which Russell perished on the scaffold, that the Protestant University of Oxford published the declaration in favour of passive obedience, to which your Catholic ancestors would have laid down their lives rather than have submitted? These are facts taken from your own annals, with which every one of you should be made familiar: but it is not to your own annals that the recriminatory evidence, on which I am driven to rely, shall be confined. If your religion is the inseparable attendant upon liberty, how does it come to pass that Prussia, and Sweden, and Denmark, and half the German states, should be Protestants, and should be also slaves? You may suggest to me, that in the larger portion of Catholic Europe freedom does not exist; but you should bear in mind that at a period when the Catholic religion was in its most palmy state, freedom flourished in the countries in which it is now extinct. Look at Italy, not indeed as she now is, but as she was before Martin Luther was born, when literature and liberty were associated, and the arts imparted their embellishments to her free political institutions. I call up the memory of the Italian Catholic republics in the great cause which I am sufficiently adventurous to plead before you. Florence, accomplished, manufacturing, and democratic, the model of your own municipal corporations, gives a noble evidence in favour of Catholicism; and Venice, Catholic Venice, rises in the splendour of her opulence and the light of her liberty, to corroborate the testimony

of her celebrated sister with a still more lofty and majestic attestation. If from Italy I shall ascend the Alps, shall I not find, in the mountains of Switzerland, the sublime memorials of liberty, and the reminiscences of those old achievements which preceded the theology of Geneva, and which were performed by men, by whom the ritual of Rome was uttered on the glaciers, and the great mystery of Catholicism was celebrated on the altars which nature had provided for that high and holy worship? But Spain, I may be told, Spain affords the proof that to the purposes of despotism her religion has always lent its impious and disastrous aid. That mistake is a signal one, for when Spain was most devotedly Catholic, Spain was comparatively free—her Cortes assumed an attitude nobler even than your own Parliament, and told the king, at the opening of every session in which they were convened that they were greater and invested with a higher authority than himself. In the struggles made by Spaniards, within our own memory, we have seen the revival of that lofty sentiment; while amongst the descendants of Spaniards, in the provinces of South America, called into existence in some sort by yourselves, we behold no religion but the Catholic, and no government of which the principle is not founded in the supremacy of the people. Republic after republic has arisen at your bidding through that immeasurable expanse, and it is scarce an exaggeration to say (if I may allude to a noble passage in one of the greatest writers of our time), that liberty, with her 'meteor standard' unfurled upon the Andes,

Looks from her throne of clouds o'er half the world.

False, I repeat it, with all the vehemence of indignant asseveration, utterly false is the charge habitually preferred against the religion which Englishmen have laden with penalties, and have marked with degradation. I can bear with any other charge but this—to any other charge I can listen with endurance: tell me that I prostrate myself before a sculptured marble; tell me that to a canvas glowing with the imagery of heaven I bend my knee; tell me that my faith is my perdition:—and as you traverse the churchyards in which your forefathers are buried, pronounce upon those who have lain there for many hundred years a fearful and appalling sentence:—yes; call what I regard as the truth not only an error, but a sin to which mercy shall not be extended:—all this I will bear—to all this I will submit—nay, at all this I will but smile:—but do not tell me that I am in heart and creed a slave:—*that* my countrymen cannot brook; in their own bosoms they carry the high consciousness that never was imputation more foully false, or more detestably calumnious. I do not believe that with the passion for true liberty a nation was ever more enthusiastically inspired—never were men more resolved—never were men more deserving to be free than the nation in whose oppression, fatally to Ireland and to themselves, the statesmen of England have so madly persevered. What have been the results of that system which you have been this day called together to sustain? You behold in Ireland a beautiful country, with wonderful advantages agricultural and commercial—a resting place for trade on its way to either hemisphere; indented with havens, watered by numerous rivers; with

a fortunate climate in which fertility is raised upon a rich soil, and inhabited by a bold, intrepid, and, with all their faults, a generous and enthusiastic people. Such is Ireland as God made her—what is Ireland as you have made her? This fine country, swarming with a population the most miserable in Europe, of whose wretchedness, if you are the authors, you are beginning to be the victims—the poisoned chalice is returned in its just circulation to your lips. Harvests the most abundant are reaped by men with starvation in their faces; all the great commercial facilities of the country are lost—the rivers that should circulate opulence, and turn the machinery of a thousand manufactures, flow to the ocean without wafting a boat or turning a wheel—the wave breaks in solitude in the silent magnificence of deserted and shipless harbours. In place of being a source of wealth and revenue to the empire, Ireland cannot defray its own expenses; her discontent costs millions of money; she debilitates and endangers England. The great mass of her population are alienated and dissociated from the state—the influence of the constituted and legitimate authorities is gone; a strange, anomalous, and unexampled kind of government has sprung up, and exercises a despotic sway; while the class, inferior in numbers, but accustomed to authority, and infuriated at its loss, are thrown into formidable reaction—the most ferocious passions rage from one extremity of the country to the other. Hundreds and thousands of men, arrayed with badges, gather in the south, and the smaller faction, with discipline and with arms, are marshalled in the north—the country is like one

vast magazine of powder, which a spark might ignite into an explosion, and of which England would not only feel, but, perhaps, never recover from the shock. And is this state of things to be permitted to continue? It is only requisite to present the question in order that all men should answer—something must be done. What is to be done? Are you to re-enact the Penal Code? Are you to deprive Catholics of their properties, to shut up their schools, to drive them from the bar, to strip them of the elective franchise, and reduce them to Egyptian bondage? It is easy for some visionary in oppression, to imagine these things. In the drunkenness of sacerdotal debauch, men have been found to give vent to such sanguinary aspirations, and the teachers of the Gospel, the ministers of a mild and merciful Redeemer, have uttered in the midst of their ferocious wassails, the bloody orison, that their country should be turned into one vast field of massacre, and that upon the pile of carnage the genius of Orange ascendancy should be enthroned. But these men are maniacs in ferocity, whose appetites for blood you will scarcely undertake to satiate. You shrink from the extirpation of a whole people. Even suppose that, with an impunity as ignominious as it would be sanguinary, that horrible crime could be effected, then you must needs ask, what is to be done? In answering that question you will not dismiss from your recollection that the greatest statesmen who have for the last fifty years directed your councils and conducted the business of this mighty empire, concurred in the opinion, that, without a concession of the Catholic claims, nothing could be done for Ireland. . . . But supposing that

authority, that the coincidence of the wisest and of the best in favour of Ireland was to be held in no account, consider how the religious disqualifications must necessarily operate. Can that be a wise course of government which creates not an aristocracy of opulence, and rank, and talent, but an aristocracy in religion, and places seven millions of people at the feet of a few hundred thousand? Try this fashion of government by a very obvious test, and make the case your own. If a few hundred thousand Presbyterians stood towards you in the relation in which the Irish Protestants stand towards the Catholics, would you endure it? Would you brook a system under which Episcopalians should be rendered incapable of holding seats in the House of Commons, should be excluded from sheriffships, and corporate offices, and from the bench of justice, and from all the higher offices in the administration of the law; and should be tried by none but Presbyterian juries, flushed with the insolence of power and infuriated with all the ferocity of passion? How would you brook the degradation which would arise from such a system, and the scorn and contumelies which would flow from it? Would you listen with patience to men who told you that there was no grievance in all this—that your complaints were groundless, and that the very right of murmuring ought to be taken away? Are Irishmen and Roman Catholics so differently constituted from yourselves, that they are to behold nothing but blessings in a system which you would look upon as an unendurable wrong? Protestants and Englishmen, however debased you may deem our country, believe me that we have enough of human

nature left within us—we have enough of the spirit of manhood, all Irishmen as we are, to resent a usage of this kind. Its results are obvious. The nation is divided into two castes. The powerful and the privileged few are patricians in religion, and trample upon and despise the plebeian Christianity of the millions who are laid prostrate at their feet. Every Protestant thinks himself a Catholic's better; and every Protestant feels himself the member of a privileged corporation. Judges, sheriffs, crown counsel, crown attorneys, juries, are Protestants to a man. What confidence can a Catholic have in the administration of public justice? We have the authority of an eminent Irish judge, the late Mr. Fletcher, who declared that, in the North, the Protestants were uniformly acquitted, and the Catholics were as undeviatingly condemned. A body of armed Orangemen fall upon and put to death a defenceless Catholic; they are put upon their trial, and when they raise their eyes and look upon the jury, as they are commanded to do, they see twelve of their brethren in massacre empanelled for their trial; and, after this, I shall be told that all the evils of Catholic disqualification lie in the disappointed longing of some dozen gentlemen after the House of Commons! No; it is the ban, the opprobrium, the brand, the note and mark of dishonour, the scandalous partiality, the flagitious bias, the sacrilegious and perjured leaning, and the monstrous and hydra-headed injustice, that constitute the grand and essential evils of the country. And you think it wonderful that we should be indignant at all this. You marvel, and are amazed that we are hurried into the use of rash and vehement

phrases. Have we alone forgotten the dictates of charity ?—have our opponents been always distinguished by their meekness and forbearance ?—have no exasperating expressions, no galling taunts, no ferocious menaces, ever escaped from them ? Look to the Brunswick orgies of Ireland, and behold not merely the torturers of '98, who, like retired butchers, feel the want of their old occupation, and long for the political shambles again, but to the ministers of the Gospel, by whom their libations to the moloch of faction, in the revelries of a sanguinary ascendancy are ferociously poured out. Make allowances for the excesses into which, with much provocation, we may be hurried, and pardon us when you recollect how, under the same circumstances, you would, in all likelihood, feel yourselves. Perhaps you will say, that while you are conscious that we have much to suffer, you owe it to your own safety to exclude us from power. We have power already—the power to do mischief ; give us that of doing good. Disarray us—dissolve us—break up our confederacy—take from the law (the great conspirator) its combining and organizing quality, and we shall no longer be united by the bad chain of slavery, but by the natural bonds of allegiance and contentment. You fear our possible influence in the House of Commons. Don't you dread our actual influence beyond its precincts ? Catholics out of the House of Commons : we should be citizens within it. It has been sometimes insisted that we aim at the political exaltation of our Church upon the ruins of the establishment—that once emancipated we should proceed to strip your clergy, and to possess ourselves of the opulence of an anti-apostolic and anti-scriptural

establishment. Never was there a more unfounded imputation. The whole body of the Irish Catholics look upon a wealthy priesthood with abhorrence. They do not desire that their bishops should be invested with pontifical gorgeousness. When a bill was introduced in order to make a small, and no more than a decent provision for the Catholic clergy, did they not repudiate the offer, and prefer their honourable poverty, and the affections of the people, to the seductions of the crown? How did the people act? Although a provision for the priesthood would relieve them from a burden, did they not deprecate all connexion with power? The Catholics of Ireland know that if their clergy were endowed with the wealth of the establishment, they would become a profligate corporation, pampered with luxury, swelling with sacerdotal pride, and presenting in their lives a monstrous contrast with that simplicity and that poverty of which they are now as well the practisers as the teachers. They know that, in place of being, as they now are, the indefatigable instructors of the peasantry, their consolers in affliction, their resource in calamity, their preceptors and their models in religion, their visitors in sickness, and their companions at the bed of death; they would become equally insolent to the humble, and sycophantic to the great—flatterers at the noble's table and extortioners in the poor man's hovel; slaves in politics, and tyrants in demeanour, who from the porticoes of palaces would give their instructions in humility; who from the banquets of patricians would prescribe their lessons in abstinence; and from the primrose path of dalliance would point out the steep and thorny way to heaven.

Monstrous as the opulence of the establishment now is, the people of Ireland would rather see the wealth of Protestant bishops increased tenfold, and another million of acres added to their episcopal territories, than behold their pure and simple priesthood degraded from their illustrious humility to that dishonourable and anti-Christian ostentation, which, if it were once established, would be sure to characterize their Church. I speak the sentiments of the whole body of my countrymen, when I solemnly and emphatically reiterate my asseveration that there is nothing which the Roman Catholic body would regard with more abhorrence than the transfer of the enormous and corrupting revenues of the establishment to a clergy who owe their virtues to their poverty, and the attachment of the people to their dignified dependence upon the people for their support. I should have done; and yet before I retire from your presence, indulge me so far as to permit me to press one remaining topic upon you. I have endeavoured to show you that you have mistaken the character and political principles of my religion; I have endeavoured to make you sensible of the miserable condition of my country; to impress upon you the failure of all the means which have been hitherto tried to tranquillize that unhappy country, and the necessity of adopting some expedient to alleviate its evils. I have dwelt upon the concurrence of great authorities in favour of concession; the little danger that is to be apprehended from that concession, and the great benefit which would arise from religious peace in Ireland. I might enlarge upon those benefits, and show you that when factions

were reconciled, when the substantial causes of animosity were removed, the fierce passions which agitate the country would be laid at rest; that English capital would, in all likelihood, flow into Ireland; that English habits would gradually arise; that a confidence in the administration of justice would grow up—that the people, instead of appealing to arms for redress, would look to the public tribunals as the only arbiters of right; and that the obstacles which now stand in the way of education would be removed—that the fierceness of polemics would be superseded by that charity which the Christian extends to all mankind; that a reciprocal sentiment of kindness would take place between the two islands—that a real union, not depending upon acts of Parliament, but upon mutual interest and affection, would be permanently established—that the empire would be consolidated, and all dangers from the enemies of Great Britain would disappear :—I might point out to you, what is obvious enough, that if Ireland be allowed to remain as it now is, at no distant period the natural foes of Great Britain may make that unfortunate country the field of some formidable enterprise :—I might draw a picture of the consequences which would arise if an enormous population were to be roused into a concurrent and simultaneous movement :—but I forbear from pressing such considerations upon you, because I had much rather rely upon your own lofty-mindedness, than upon any terrible contingency :—I therefore put it to you, that independently of every consideration of expediency, it is unworthy of you to persevere in a system of practical religious intolerance, which Roman Catholic states, who

hold to you a fine example in this regard at least, have abandoned. I have heard it said that the Catholic religion was a persecuting religion. It was; and so was every other religion that was ever invested with authority. How easily I could retort on you the charge of persecution—remind you that the early reformers, who set up a claim to liberty of conscience for themselves, did not indulge others in a similar luxury—tell you that Calvin, having obtained a theological masterdom in Geneva, offered up the screams of Servetus to the God of mercy and of love; that even your own Cranmer, who was himself a martyr, had first inflicted what he afterwards suffered, and that this father of your Church, whose hand was indeed a guilty one, had, even in the reign of Edward VI, accelerated the progress of heretics to immortality, and sent them through fire to heaven. But the truth is, that both parties have, in the paroxysms of religious frenzy, committed the most execrable crimes, and it might be difficult, if their misdeeds were to be weighed, to adjust the balance of atrocity between them. But Catholics and Protestants have changed, and with the alteration of time we ourselves have undergone a salutary reformation. Through the whole continent religious distinctions have begun to vanish, and freedom of conscience is almost universally established. It is deplorable that England should be almost the only country where such disqualifications are maintained. In France, where the religion of the state is that of Rome, all men are admissible to power, and no sort of sectarian distinction is instituted by the law. The third article of the French charter provides that every French citizen, no

matter of what denomination, shall be capable of holding every office in the state. The Chamber of Deputies is filled with Protestants who are elected by Roman Catholics; and Protestants have held places in the cabinet of France. In Hungary in the year 1791, Protestants were placed by a Roman Catholic government on a perfect level with their fellow citizens. In Bavaria the same principle of toleration was adopted. Thus the Catholics of Europe have given you an honourable example, and, while they have refuted the imputation of intolerance, have pronounced upon you a practical reproach. You are behind almost every nation in Europe. Protestant Prussia has emancipated her Catholic subjects, and Silesia is free. In Germany the churches are used indiscriminately by Protestants and Catholics—the Lutheran service, in happy succession, follows the Catholic mass; or the Catholic mass follows the Lutheran service. Thus in every state in Europe the spirit of religious toleration has signally advanced, while here, in this noble island, which we are wont to consider the asylum of civil liberty, the genius of persecution has found a refuge. In England, and in England only, deprivations and dishonour are inflicted upon those whose conscience inhibits their conformity with the formulas of your worship; and a vast body of Englishmen, in this one of your finest counties, are called upon to offer up a gratuitous invocation to the legislature to rivet the fetters of their Catholic fellow subjects. Do not undertake so ungenerous an office, nor interpose for the low-hearted purposes of oppression. I have heard since I came here that it is a familiar saying,

that 'the men of Kent have been never conquered'. That you never will be vanquished in any encounter where men shall be arrayed in arms against you is my belief and my desire; but while in this regard you will always prove unconquered and unconquerable, there is one particular in which I hope that proof will be afforded that you can be subdued. Be no longer invincible, but let the victory be achieved by yourselves. The worst foes with which you have to contend are lodged in your own breasts—your prejudices are the most formidable of your antagonists, and to discomfit them will confer upon you a higher honour than if in the shouts of battle you put your enemies to flight. It is over your antipathies, national and religious, that a masterdom should be obtained by you, and you may rest assured that if you shall vanquish your animosities, and bring your passions into subjection, you will, in conquering yourselves, extend your dominion over that country by which you have been so long resisted; your empire over our feelings will be securely established, you will make a permanent acquisition of the affections of Irishmen, and make our hearts your own.

HENRY, LORD BROUGHAM

October 7, 1831

PARLIAMENTARY REFORM

They who are constantly taunting us with subverting the system of the representation, and substituting a parliamentary constitution unknown in earlier times, must be told that we are making no change—that we are not pulling down, but building up—or, at the utmost, adapting the representation to the altered state of the community. The system which was hardly fitted for the fourteenth century, cannot surely be adapted to the nineteenth. The innovations of time, of which our detractors take no account, are reckoned upon by all sound statesmen; and in referring to them, my noble friend [1] has only followed in the footsteps of the most illustrious of philosophers. 'Stick to your ancient parliamentary system,' it is said; 'make no alteration; keep it exactly such as it was in the time of Harry the Third, when the two Houses first sat in separate chambers, and such as it has to this day continued!' This is the ignorant cry; this the very shibboleth of the party. But I have joined an issue with our antagonists upon the fact; and I have given the evidence of Selden, of Glanville, of Coke, of Noy, and of Prynne, proving to demonstration that the original right of voting has been subjected to great

[1] The Earl of Radnor.

and hurtful changes,—that the exclusive franchise of freemen is an usurpation upon householders,—and that our measure is a restoration of the rights thus usurped upon. I have shown that the ministers are only occupied in the duty of repairing what is decayed, not in the work of destruction, or of violent change. Your Lordships were recently assembled at the great solemnity of the Coronation. Do you call to mind the language of the Primate, and in which the monarch swore, when the sword of kingly estate was delivered into his hands? 'Restore the things that are gone into decay; maintain that which is restored; purify and reform what is amiss; confirm that which is in good order!' His Sacred Majesty well remembers his solemn vow, to restore the constitution, and to reform the abuses time has introduced; and I, too, feel the duty imposed on me, of keeping fresh in the recollection of the prince whom it is my pride and my boast to serve, the parts of our system which fall within the scope of his vow. But if he has sworn to restore the decayed, so has he also sworn to maintain that which is restored, and to confirm that which wants no repairing; and what sacrifice soever may be required to maintain and to confirm, that sacrifice I am ready to make, opposing myself, with my sovereign, to the surge that may dash over me, and saying to it, 'Hitherto shalt thou come; here shall thy waves be stayed.' For while that sovereign tells the enemies of all change, 'I have sworn to restore!' so will he tell them who look for change only, 'I have also sworn to maintain!'

'Stand by the whole of the old constitution!' is the cry of our enemies. I have disposed of the

issue of fact, and shown that what we attack is anything but the old constitution. But suppose, for argument's sake, the question had been decided against us—that Selden, Coke, Noy, Glanville, and Prynne, were all wrong—that their doctrine and mine was all an illusion, and rotten boroughs the ancient order of things—that it was a fundamental principle of the old constitution to have members without constituents, boroughs without members, and a representative Parliament without electors. Suppose this to be the nature of the old, and much admired, and more bepraised, government of England. All this I will assume for the sake of the argument; and I solicit the attention of the noble Lords who maintain that argument, while I show them its utter absurdity. Since the early times of which they speak, has there been no change in the very nature of a seat in Parliament? Is there no difference between our days and those when the electors eschewed the right of voting, and a seat in Parliament, as well as the elective franchise, was esteemed a burthen? Will the same principles apply to that age and to ours, when all the people of the three kingdoms are more eager for the power of voting than for any other earthly possession; and the chance of sitting in the House of Commons is become the object of all men's wishes? Even as late as the union of the Crowns, we have instances of informations filed in the courts of law to compel Parliament men to attend their duty, or punish them for the neglect—so ill was privilege then understood. But somewhat earlier, we find boroughs petitioning to be relieved from the expense of sending members, and members supported by their constituents as

long as they continued their attendance. Is it not clear that the Parliamentary law applicable to that state of things cannot be applied to the present circumstances, without in some respects making a violent revolution? But so it is in the progress of all those changes which time is perpetually working in the condition of human affairs. They are really the authors of change, who resist the alterations which are required to adjust the system, and adapt it to new circumstances;—who forcibly arrest the progress of one portion amidst the general advancement. Take, as an illustration, the state of our jurisprudence. The old law ordained that a debtor's property should be taken in execution. But in early times there were no public funds, no paper securities, no accounts at bankers; land and goods formed the property of all; and those were allowed to be taken in satisfaction of debts. The law, therefore, which only said, let land and goods be taken, excluded the resourse against stock and credits, although it plainly meant that all the property should be liable, and would clearly have attached stock and credits, had they then been known. But when nine-tenths of the property of our richest men consist of stock and credits, to exempt these under pretence of standing by the old law, is manifestly altering the substance for the sake of adhering to the letter; and substituting for the old law, that all the debtor's property should be liable, a new and totally different law, that a small part only of his property should be liable. Yet in no part of our system has there been a greater change than in the estimated value attached to the franchise, and to a seat in Parliament, from the

times when one class of the community anxiously shunned the cost of electing, and another as cautiously avoided being returned, to those when both classes are alike anxious to obtain these privileges. Then, can any reasonable man argue, that the same law should be applied to two states of things so diametrically opposite? Thus much I thought fit to say, in order to guard your Lordships against a favourite topic, one seduously urged by the adversaries of Reform, who lead men astray by constantly harping upon the string of change, innovation, and revolution.

But it is said, and this is a still more favourite argument, the system works well. How does it work well? Has it any pretensions to the character of working well? What say you to a town of five or six thousand inhabitants, not one of whom has any more to do with the choice of its representatives than any of your Lordships sitting round that table—indeed, a great deal less—for I see my noble friend[1] is there? It works well, does it? How works well? It would work well for the noble Duke, if he chose to carry his votes to market! Higher rank, indeed, he could not purchase, than he has; but he has many connexions, and he might gain a title for every one that bears his name. But he has always acted in a manner far more worthy of his own high character, and of the illustrious race of patriots from whom he descends, the founders of our liberties, and of the throne which our sovereign's exalted House fills; and his family have deemed that name a more precious inheritance than any title for which it could be exchanged. But let

[1] The Duke of Devonshire.

us see how the system works for the borough itself, and its thousands of honest, industrious inhabitants. My Lords, I once had the fortune to represent it for a few weeks; at the time when I received the highest honour of my life, the pride and exultation of which can never be eradicated from my mind but by death, nor in the least degree allayed by any lapse of time—the most splendid distinction which any subjects can confer upon a fellow-citizen—to be freely elected for Yorkshire, upon public grounds, and being unconnected with the county. From having been at the borough the day of the election, I can give your Lordships some idea how well the system works there. You may be returned for the place, but it is at your peril that you show yourself among the inhabitants. There is a sort of polling; that is, five or six of my noble friend's tenants ride over from another part of the country—receive their burgage qualifications—vote, as the enemies of the Bill call it, 'in right of property,' that is, of the Duke's property—render up their title-deeds—dine, and return home before night. Being detained in court at York longer than I had expected on the day of this elective proceeding, I arrived too late for the chairing, and therefore did not assist at that awful solemnity. Seeing a gentleman with a black patch, somewhere about the size of a sergeant's coif, I expressed my regret at his apparent ailment; he said, 'It is for a blow I had the honour to receive in representing you at the ceremony.' Certainly no constituent ever owed more to his representative than I to mine; but the blow was severe, and might well have proved fatal. I understand this is the common

lot of the members, as my noble friend [1], who once sat for the place, I believe, knows; though there is some variety, as he is aware, in the mode of proceeding, the convenient neighbourhood of a river with a rocky channel sometimes suggesting operations of another kind. I am very far, of course, from approving such marks of public indignation; but I am equally far from wondering that it should seek a vent; for I confess, that if the thousands of persons whom the well working of the present system insults with the farce of the Knaresborough election (and whom the Bill restores to their rights) were to bear so cruel a mockery with patience, I should deem them degraded indeed.

It works well, does it? For whom? For the constitution? No such thing. For borough proprietors it works well, who can sell seats, or traffic in influence, and pocket the gains. Upon the constitution it is the foulest stain, and eats into its very core.

It works well? For the people of England? For the people, of whom the many excluded electors are parcel, and for whom alone the few actual electors ought to exercise their franchise as a trust? No such thing. As long as a member of Parliament really represents any body of his countrymen, be they freeholders, or copyholders, or leaseholders—as long as he represents the householders in any considerable town—and is in either way deputed to watch over the interests of a portion of the community, and is always answerable to those who delegate him—so long has he a participation in the interests of the whole state,

[1] The Earl of Tankerville.

whereof his constituents form a portion; so long may he justly act as representing the whole community, having, with his particular electors, only a general coincidence of views upon national questions, and a rigorous coincidence where their special interests are concerned. But if he is delegated by a single man, and not by a county or a town, he does not represent the people of England; he is a jobber, sent to Parliament to do his own or his patron's work. But then we are told, and with singular exultation, how many great men have found their way into the House of Commons by this channel. My Lords, are we, because the only road to a place is unclean, not to travel it? If I cannot get into Parliament, where I may render the state good service, by any other means, I will go that way, defiling myself as little as I can, either by the filth of the passage, or the indifferent company I may travel with. I won't bribe; I won't job, to get in; but if it be the only path open, I will use it for the public good. But those who indulge in this argument about great men securing seats, do not, I remark, take any account of the far greater numbers of very little men who thus find their way into Parliament, to do all manner of public mischief. A few are, no doubt, independent; but many are as docile, as disciplined in the evolutions of debate, as any troops the noble Duke had at Waterloo. One borough proprietor is well remembered, who would display his forces, command them in person, carry them over from one flank to the other, or draw them off altogether, and send them to take the field against the larks at Dunstable, that he might testify his displeasure. When conflicting bodies

are pretty nearly matched, the evolutions of such a corps decide the fate of the day. The noble Duke [1] remembers how doubtful even the event of Waterloo might have been, had Grouchy come up in time. Accordingly, the fortunate leader of that parliamentary force raised himself to an earldom and two lord lieutenancies, and obtained titles and blue ribands for others of his family, who now fill most respectable stations in this House.

The system, we are told, works well, because, notwithstanding the manner of its election, the House of Commons sometimes concurs immediately in opinion with the people; and, in the long run, is seldom found to counteract it. Yet sometimes, and on several of the most momentous questions, the run has, indeed, been a very long one. The slave trade continued to be the signal disgrace of the country, the unutterable opprobrium of the English name, for many years after it had been denounced in Parliament, and condemned by the people all in one voice. Think you this foul stain could have so long survived, in a reformed Parliament, the prodigious eloquence of my venerable friend, Mr. Wilberforce, and the unanimous reprobation of the country? The American war might have been commenced, and even for a year or two persevered in, for, though most unnatural, it was at first not unpopular. But could it have lasted beyond 1778, had the voice of the people been heard in their own House? The French war, which in those days I used to think a far more natural contest, having in my youth leant to the alarmist party, might possibly have continued some years. But if the representation of the

[1] Wellington.

country had been reformed, there can be no reason to doubt that the sound views of the noble Earl [1] and the immortal eloquence of my right honourable friend [2], whose great spirit, now freed from the coil of this world, may be permitted to look down complacent upon the near accomplishment of his patriotic desires, would have been very differently listened to in a Parliament unbiassed by selfish interests; and of one thing I am as certain as that I stand here—that ruinous warfare never could have lasted a day beyond the arrival of Buonaparte's letter in 1800.

But still, it is said, public opinion finds its way more speedily into Parliament upon great and interesting emergencies. How does it so? By a mode contrary to the whole principles of representative government,—by sudden, direct, and dangerous impulses. The fundamental principle of our constitution, the great political discovery of modern times—that, indeed, which enables a state to combine extent with liberty,—the system of representation, consists altogether in the perfect delegation by the people, of their rights and the care of their interests, to those who are to deliberate and to act for them. It is not a delegation which shall make the representative a mere organ of the passing will, or momentary opinion, of his constituents.—I am aware, my Lords, that in pursuing this important topic, I may lay myself open to uncandid inference, touching the present state of the country; but I feel sure no such unfair advantage will be taken, for my whole argument upon the national enthusiasm for Reform rests upon the known fact that it is the growth of

[1] Lord Grey. [2] Mr. Fox.

half a century, and not of a few months; and, according to the soundest views of representative legislation, there ought to be a *general* coincidence between the conduct of the delegate and the sentiments of the electors. Now, when the public voice, for want of a regular and legitimate organ, makes itself, from time to time, heard within the walls of Parliament, it is by a direct interposition of the people, not in the way of a delegated trust, to make the laws—and every such occasion presents, in truth, an instance where the defects of our elective system introduce a recurrence to the old and barbarous schemes of government, known in the tribes and centuries of Rome, or the assemblies of Attica. It is a poor compensation for the faults of a system which suffers a cruel grievance to exist, or a ruinous war to last twenty or thirty years after the public opinion has condemned it, that some occasions arise when the excess of the abuse brings about a violent remedy, or some revolutionary shock, threatening the destruction of the whole.

But it works well! Then why does the table groan with the petitions against it, of all that people, for whose interests there is any use in its working at all? Why did the country, at the last election, without exception, wherever they had the franchise, return members commissioned to complain of it, and amend it? Why were its own produce, the men chosen under it, voting against it by unexampled majorities? Of eighty-two English county members, seventy-six have pronounced sentence upon it, and they are joined by all the representatives of cities and of great towns.

It works well! Whence, then, the phenomenon of political unions,—of the people everywhere forming themselves into associations to put down a system which you say well serves their interests? Whence the congregating of 150,000 men in one place, the whole adult male population of two or three counties, to speak the language of discontent, and refuse the payment of taxes? I am one who never have either used the language of intimidation, or will ever suffer it to be used towards me; but I also am one of those who regard those indications with unspeakable anxiety. With all respect for those assemblages, and for the honesty of the opinions they entertain, I feel myself bound to declare, as an honest man, as a minister of the Crown, as a magistrate, nay, as standing, by virtue of my office, at the head of the magistracy, that a resolution not to pay the king's taxes is unlawful. When I contemplate the fact, I am assured that no above a few thousands of those nearest the chairman could know for what it was they held up their hands. At the same time there is too much reason to think that the rest would have acted as they did, had they heard all that passed. My hope and trust is, that these men and their leaders will maturely re-consider the subject. There are no bounds to the application of such a power; the difficulty of counteracting it is extreme; and as it may be exerted on whatever question has the leading interest, and every question in succession is felt as of exclusive importance, the use of the power I am alluding to, really threatens to resolve all government, and even society itself, into its elements. I know the risk I run of giving offence by what I am saying. To me, accused of worship-

ping the democracy, here is indeed a tempting occasion, if in that charge there were the shadow of truth. Before the great idol, the Juggernaut, with his 150,000 priests, I might prostrate myself advantageously. But I am bound to do my duty, and speak the truth; of such an assembly I cannot approve; even its numbers obstruct discussion, and tend to put the peace in danger,—coupled with such a combination against payment of taxes, it is illegal; it is intolerable under any form of government; and as a sincere well-wisher to the people themselves, and devoted to the cause which brought them together, I feel solicitous, on every account, to bring such proceedings to an end.

But, my Lords, it is for us to ponder these things well; they are material facts in our present inquiry. Under a system of real representation, in a country where the people possessed the only safe and legitimate channel for making known their wishes and their complaints, a Parliament of their own choosing, such combinations would be useless. Indeed, they must always be mere *brutum fulmen*, unless where they are very general; and where they are general, they both indicate the universality of the grievance and the determination to have redress. Where no safety-valve is provided for popular discontent, to prevent an explosion that may shiver the machine in pieces—where the people—and by the people, I repeat, I mean the middle classes, the wealth and intelligence of the country, the glory of the British name—where this most important order of the community are without a regular and systematic communication with the legislature—where they

are denied the constitution which is their birthright, and refused a voice in naming those who are to make the laws they must obey—impose the taxes they must pay,—and control, without appeal, their persons as well as properties—where they feel the load of such grievances, and feel too the power they possess, moral, intellectual, and, let me add, without the imputation of a threat, physical—then, and only then, are their combinations formidable; when they are armed by their wrongs, far more formidable than any physical force—then, and only then, they become invincible.

Do you ask what, in these circumstances, we ought to do? I answer, simply our duty. If there were no such combinations in existence—no symptom of popular excitement—if not a man had lifted up his voice against the existing system, we should be bound to seek and to seize any means of furthering the best interests of the people, with kindness, with consideration, with the firmness, certainly, but with the prudence also, of statesmen. How much more are we bound to conciliate a great nation, anxiously panting for their rights—to hear respectfully their prayers—to entertain the measure of their choice with an honest inclination to do it justice; and if, while we approve its principle, we yet dislike some of its details, and deem them susceptible of modification, surely we ought, at any rate, not to reject their prayers for it with insult. God forbid we should so treat the people's desire; but I do fear that a determination is taken not to entertain it with calmness and impartiality. (Cries of 'No! No!' from the Opposition.) I am glad to have been in error; I am rejoiced to hear this dis-

claimer, for I infer from it that the people's prayers are to be granted. You will listen, I trust, to the advice of my noble and learned friend [1], who, with his wonted sagacity, recommended you to do as you would be done by. This wise and Christian maxim will not, I do hope, be forgotten. Apply it, my Lords, to the case before you. Suppose, for a moment, that your Lordships, in your wisdom, should think it expedient to entertain some Bill regulating matters in which this House alone has any concern, as the hereditary privileges of the peerage, or the right of voting by proxy, or matters relating to the election of peers representing the aristocracy of Ireland and Scotland, or providing against the recurrence of such an extraordinary and indeed unaccountable event as that which decided on the Huntingdon Peerage without a committee; suppose, after great exertions of those most interested, as the Scotch and Irish peers, or this House at large, your Lordships had passed it through all its stages by immense majorities, by fifty or a hundred to one, as the Commons did the Reform. (Cries of 'No.') I say an overwhelming majority of all who represented any body, all the members for counties and towns; but to avoid cavilling, suppose it passed by a large majority of those concerned, and sent down to the Commons, whom it only remotely affected. Well—it has reached that House; and suppose its members were to refuse giving your measure any examination at all in detail, and to reject it at once. What should you say? How should you feel, think you, when the Commons arrogantly turned round from your request, and said—'Let us fling out this silly

[1] Lord Plunkett.

Bill without more ado?—true, it regulates matters belonging exclusively to the Lords, and in which we cannot at all interfere without violating the law of the land; but still, out with it for an aristocratic, oligarchical, revolutionary Bill, a Bill to be abominated by all who have a spark of the true democratic spirit in their composition. What should you think if the measure were on such grounds got rid of, without the usual courtesy of a pretended postponement, by a vote that this Lords' Bill be rejected? And should you feel much soothed by hearing that some opposition Chesterfield had taken alarm at the want of politeness among his brethren, and at two o'clock in the morning altered the words, retaining their offensive sense—I ask, would such proceedings in the Commons be deemed by your Lordships a fair, just, candid opposition to a measure affecting your own seats and dignities only? Would you tolerate their saying, 'We don't mind the provisions of this Lords' Bill; we won't stop to discuss them; we won't parley with such a thing; we plainly see it hurts our interest, and checks our own patronage; for it is an aristocratic Bill, and an oligarchical Bill, and withal a revolutionary bill'? Such treatment would, I doubt not, ruffle the placid tempers of your Lordships; you would say somewhat of your order, its rights, and its privileges, and buckle on the armour of a well-founded and natural indignation. But your wonder would doubtless increase, if you learnt that your Bill had been thus contemptuously rejected in its first stage by a House in which only two members could be found who disapproved of its fundamental principles. Yes, all avow them-

selves friendly to the principle; it is a matter of much complaint, if you charge one with not being a reformer; but they cannot join in a vote which only asserts that principle, and recognizes the expediency of some reform. Yes, the Commons all allow your peerage law to be an abomination; your privileges a nuisance: all cry out for some change as necessary, as imperative; but they, nevertheless, will not even listen to the proposition for effecting a change, which you, the most interested party, have devised and sent down to them. Where, I demand, is the difference between this uncourteous and absurd treatment of your supposed Bill by the Commons, and that which you now talk of giving to theirs? You approve of the principle of the measure sent up by the other House, for the sole purpose of amending its own constitution; but you won't sanction that principle by your vote, nor afford its friends an opportunity of shaping its features, so as if possible to meet your wishes. Is this fair? Is it candid? Is it consistent? Is it wise? Is it, I ask you, is it at this time very prudent? Did the Commons act so by you in Sir Robert Walpole's time, when the Bill for restraining the creation of peers went down from hence to the Commons? No such thing; though it afterwards turned out that there was a majority of 112 against it, they did not even divide upon the second reading. Will you not extend an equal courtesy to the Bill of the Commons and of the people?

I am asked what great practical benefits are to be expected from this measure? And is it no benefit to have the Government strike its roots into the hearts of the people? Is it no benefit to

have a calm and deliberative, but a real organ of the public opinion, by which its course may be known, and its influence exerted upon State affairs regularly and temperately, instead of acting convulsively, and as it were by starts and shocks? I will only appeal to one advantage, which is as certain to result from this salutary improvement of our system, as it is certain that I am addressing your Lordships. A noble Earl [1] inveighed strongly against the licentiousness of the press; complained of its insolence; and asserted that there was no tyranny more intolerable than that which its conductors now exercised. It is most true that the press has great influence, but equally true that it derives this influence from expressing, more or less correctly, the opinion of the country. Let it run counter to the prevailing course, and its power is at an end. But I will also admit that, going in the same general direction with public opinion, the press is oftentimes armed with too much power in particular instances; and such power is always liable to be abused. But I will tell the noble Earl upon what foundation this overgrown power is built. The press is now the only organ of public opinion. This title it assumes; but it is not by usurpation; it is rendered legitimate by the defects of your Parliamentary constitution; it is erected upon the ruins of real representation. The periodical press is the rival of the House of Commons; and it is, and it will be, the successful rival, as long as that House does not represent the people—but not one day longer. If ever I felt confident in any prediction, it is in this, that the restoration of Parliament to its

[1] Lord Winchilsea.

legitimate office of representing truly the public opinion will overthrow the tyranny of which noble Lords are so ready to complain, who, by keeping out the lawful sovereign, in truth, support the usurper. It is you who have placed this unlawful authority on a rock; pass the Bill, it is built on a quicksand. Let but the country have a full and free representation, and to that will men look for the expression of public opinion, and the press will no more be able to dictate, as now, when none else can speak the sense of the people. Will its influence wholly cease? God forbid! Its just influence will continue, but confined within safe and proper bounds. It will continue, long may it continue, to watch the conduct of public men—to watch the proceedings even of a reformed legislature—to watch the people themselves—a safe, an innoxious, a useful instrument, to enlighten and improve mankind! But its overgrown power—its assumption to speak in the name of the nation—its pretension to dictate and to command, will cease with the abuses and defects upon which alone it is founded, and will be swept away, together with the other creatures of the same abuses, which now 'fright our Isle from its propriety.'

Those portentous appearances, the growth of later times, those figures that stalk abroad, of unknown stature, and strange form—unions, and leagues, and musterings of men in myriads, and conspiracies against the Exchequer; whence do they spring, and how come they to haunt our shores? What power engendered those uncouth shapes, what multiplied the monstrous births till they people the land? Trust me, the same power which called into frightful existence, and armed

with resistless force, the Irish volunteers of 1782—the same power which rent in twain your empire, and conjured up thirteen republics—the same power which created the Catholic Association, and gave it Ireland for a portion. What power is that? Justice denied—rights withheld—wrongs perpetrated—the force which common injuries lend to millions—the wickedness of using the sacred trust of Government as a means of indulging private caprice—the idiotcy of treating Englishmen like the children of the South Sea Islands—the frenzy of believing, or making believe, that the adults of the nineteenth century can be led like children, or driven like barbarians! This it is that has conjured up the strange sights at which we now stand aghast! And shall we persist in the fatal error of combating the giant progeny, instead of extirpating the execrable parent? Good God! Will men never learn wisdom, even from their own experience? Will they never believe, till it be too late, that the surest way to prevent immoderate desires being formed, aye, and unjust demands enforced, is to grant in due season the moderate requests of justice? You stand, my Lords, on the brink of a great event; you are in the crisis of a whole nation's hopes and fears. An awful importance hangs over your decision. Pause, ere you plunge! There may not be any retreat! It behoves you to shape your conduct by the mighty occasion. They tell you not to be afraid of personal consequences in discharging your duty. I too would ask you to banish all fears; but, above all, that most mischievous, most despicable fear—the fear of being thought afraid. If you won't take counsel from me, take example from the statesman-

like conduct of the noble Duke[1], while you also look back, as you may, with satisfaction upon your own. He was told, and you were told, that the impatience of Ireland for equality of civil rights was partial, the clamour transient, likely to pass away with its temporary occasion, and that yielding to it would be conceding to intimidation. I recollect hearing this topic urged within this House in July, 1828; less regularly I heard it than I have now done, for I belonged not to your number—but I heard it urged in the selfsame terms. The burthen of the cry was—It is no time for concession; the people are turbulent, and the Association dangerous. That summer passed, and the ferment subsided not; autumn came, but brought not the precious fruit of peace—on the contrary, all Ireland was convulsed with the unprecedented conflict which returned the great chief of the Catholics to sit in a Protestant Parliament; winter bound the earth in chains, but it controlled not the popular fury, whose surges, more deafening than the tempests, lashed the frail bulwarks of law founded upon injustice. Spring came; but no ethereal mildness was its harbinger, or followed in its train; the Catholics became stronger by every month's delay, displayed a deadlier resolution, and proclaimed their wrongs in a tone of louder defiance than before. And what course did you, at this moment of greatest excitement, and peril, and menace, deem it most fitting to pursue? Eight months before you had been told how unworthy it would be to yield when men clamoured and threatened. No change had happened in the interval, save that the clamours were become far

[1] Wellington.

more deafening, and the threats, beyond comparison, more overbearing. What, nevertheless, did your Lordships do? Your duty; for you despised the cuckoo-note of the season, 'be not intimidated.' You granted all that the Irish demanded, and you saved your country. Was there in April a single argument advanced, which had not held good in July? None, absolutely none, except the new height to which the dangers of longer delay had risen, and the increased vehemence with which justice was demanded; and yet the appeal to your pride, which had prevailed in July, was in vain made in April, and you wisely and patriotically granted what was asked, and ran the risk of being supposed to yield through fear.

But the history of the Catholic claims conveys another important lesson. Though in right and policy and justice, the measure of relief could not be too ample, half as much as was received with little gratitude when so late wrung from you, would have been hailed twenty years before with delight; and even the July preceding, the measure would have been received as a boon freely given, which I fear was taken with but sullen satisfaction in April, as a right long withheld. Yet, blessed be God, the debt of justice, though tardily, was at length paid, and the noble Duke won by it civic honours which rival his warlike achievements in lasting brightness—than which there can be no higher praise. What if he had still listened to the topics of intimidation and inconsistency which had scared his predecessors? He might have proved his obstinacy, and Ireland would have been the sacrifice.

Apply now this lesson of recent history—I may say of our own experience, to the measure before us. We stand in a truly critical position. If we reject the Bill, through fear of being thought to be intimidated, we may lead the life of retirement and quiet, but the hearts of the millions of our fellow-citizens are gone for ever; their affections are estranged; we and our order and its privileges are the objects of the people's hatred, as the only obstacles which stand between them and the gratification of their most passionate desire. The whole body of the aristocracy must expect to share this fate, and be exposed to feelings such as these. For I hear it constantly said, that the Bill is rejected by all the aristocracy. Favour, and a good number of supporters, our adversaries allow it has among the people; the ministers, too, are for it; but the aristocracy, say they, is strenuously opposed to it. I broadly deny this silly, thoughtless assertion. What, my Lords! the aristocracy set themselves in a mass against the people—they who sprang from the people—are inseparably connected with the people—are supported by the people—are the natural chiefs of the people! *They* set themselves against the people, for whom peers are ennobled—bishops consecrated—kings anointed—the people to serve whom Parliament itself has an existence, and the monarchy and all its institutions are constituted, and without whom none of them could exist for an hour! The assertion of unreflecting men is too monstrous to be endured—as a member of this House, I deny it with indignation. I repel it with scorn, as a calumny upon us all. And yet are there those who, even within these walls, speak of the Bill

augmenting so much the strength of the democracy as to endanger the other orders of the State ; and so they charge its authors with promoting anarchy and rapine. Why, my Lords, have its authors nothing to fear from democratic spoliation ? The fact is, that there are members of the present Cabinet, who possess, one or two of them alone, far more property than any two administrations within my recollection ; and all of them have ample wealth. I need hardly say, I include not myself, who have little or none. But even of myself I will say, that whatever I have depends on the stability of existing institutions ; and it is as dear to me as the princely possessions of any amongst you. Permit me to say that, in becoming a member of your House, I staked my all on the aristocratic institutions of the State. I abandoned certain wealth, a large income, and much real power in the State, for an office of great trouble, heavy responsibility, and very uncertain duration. I say, I gave up substantial power for the shadow of it, and for distinction depending upon accident. I quitted the elevated station of representative for Yorkshire, and a leading member of the Commons. I descended from a position quite lofty enough to gratify any man's ambition ; and my lot became bound up in the stability of this House. Then, have I not a right to throw myself on your justice, and to desire that you will not put in jeopardy all I have now left ?

But the populace only, the rabble, the ignoble vulgar, are for the Bill ? Then what is the Duke of Norfolk, Earl Marshal of England ? What the Duke of Devonshire ? What the Duke of Bedford ? (Cries of 'Order' from the Opposition.) I am aware

it is irregular to name any noble Lord who is a friend to the measure; its adversaries are patiently suffered to call peers even by their Christian and surnames. Then I shall be as regular as they were, and ask, does my friend John Russell, my friend William Cavendish, my friend Harry Vane, belong to the mob, or to the aristocracy? Have they no possessions? Are they modern names? Are they wanting in Norman blood, or whatever else you pride yourselves on? The idea is too ludicrous to be seriously refuted;—that the Bill is only a favourite with the democracy, is a delusion so wild as to point a man's destiny towards St. Luke's. Yet many, both here and elsewhere, by dint of constantly repeating the same cry, or hearing it repeated, have almost made themselves believe that none of the nobility are for the measure. A noble friend of mine has had the curiosity to examine the list of peers, opposing and supporting it, with respect to the dates of their creation, and the result is somewhat remarkable. A large majority of the peers created before Mr. Pitt's time, are for the Bill; the bulk of those against it are of recent creation; and if you divide the whole into two classes, those ennobled before the reign of George III and those since, of the former fifty-six are friends, and only twenty-one enemies, of the Reform. So much for the vain and saucy boast, that the real nobility of the country are against Reform. I have dwelt upon this matter more than its intrinsic importance deserves, only through my desire to set right the fact, and to vindicate the ancient aristocracy from a most groundless imputation.

My Lords, I do not disguise the intense solicitude

which I feel for the event of this debate, because I know full well that the peace of the country is involved in the issue. I cannot look without dismay at the rejection of the measure. But grievous as may be the consequences of a temporary defeat—temporary it can only be ; for its ultimate, and even speedy, success is certain. Nothing can now stop it. Do not suffer yourselves to be persuaded, that even if the present Ministers were driven from the helm, any one could steer you through the troubles which surround you, without Reform. But our successors would take up the task in circumstances far less auspicious. Under them, you would be fain to grant a Bill, compared with which, the one we now proffer you is moderate indeed. Hear the parable of the Sibyl ; for it conveys a wise and wholesome moral. She now appears at your gate, and offers you mildly the volumes—the precious volumes—of wisdom and peace. The price she asks is reasonable ; to restore the franchise, which, without any bargain, you ought voluntarily to give : you refuse her terms—her moderate terms,—she darkens the porch no longer. But soon, for you cannot do without her wares, you call her back ;—again she comes, but with diminished treasures ; the leaves of the book are in part torn away by lawless hands,—in part defaced with characters of blood. But the prophetic maid has risen in her demands—it is Parliaments by the year—it is vote by the ballot—it is suffrage by the million ! From this you turn away indignant, and for the second time she departs. Beware of her third coming ; for the treasure you must have ; and what price she may next demand, who shall tell ? It may even be

the mace which rests upon that woolsack. What may follow your course of obstinacy, if persisted in, I cannot take upon me to predict, nor do I wish to conjecture. But this I know full well, that, as sure as man is mortal, and to err is human, justice deferred enhances the price at which you must purchase safety and peace;—nor can you expect to gather in another crop than they did who went before you, if you persevere in their utterly abominable husbandry, of sowing injustice and reaping rebellion.

But among the awful considerations that now bow down my mind, there is one which stands pre-eminently above the rest. You are the highest judicature in the realm; you sit here as judges, and decide all causes, civil and criminal, without appeal. It is a judge's first duty never to pronounce sentence, in the most trifling case, without hearing. Will you make this the exception? Are you really prepared to determine, but not to hear, the mighty cause upon which a nation's hopes and fears hang? You are. Then beware of your decision! Rouse not, I beseech you, a peace-loving, but a resolute people; alienate not from your body the affections of a whole empire. As your friend, as the friend of my order, as the friend of my country, as the faithful servant of my sovereign, I counsel you to assist with your uttermost efforts in preserving the peace, and upholding and perpetuating the constitution. Therefore, I pray and I exhort you not to reject this measure. By all you hold most dear,—by all the ties that bind every one of us to our common order and our common country, I solemnly adjure you,—I warn you,—I implore you,—yea, on my bended knees, I supplicate you—Reject not this Bill!

THOMAS BABINGTON MACAULAY

April 17, 1833

JEWISH DISABILITIES

Mr. Warburton,—I recollect, and my honourable friend the Member for the University of Oxford will recollect, that when this subject was discussed three years ago, it was remarked, by one whom we both loved and whom we both regret, that the strength of the case of the Jews was a serious inconvenience to their advocate, for that it was hardly possible to make a speech for them without wearying the audience by repeating truths which were universally admitted. If Sir James Mackintosh felt this difficulty when the question was first brought forward in this House, I may well despair of being able now to offer any arguments which have a pretence to novelty.

My honourable friend the Member for the University of Oxford began his speech by declaring that he had no intention of calling in question the principles of religious liberty. He utterly disclaims persecution, that is to say, persecution as defined by himself. It would, in his opinion, be persecution to hang a Jew, or to flay him, or to draw his teeth, or to imprison him, or to fine him ; for every man who conducts himself peacefully has a right to his life and his limbs, to his personal liberty and

his property. But it is not persecution, says my honourable friend, to exclude any individual or any class from office; for nobody has a right to office: in every country official appointments must be subject to such regulations as the supreme authority may choose to make; nor can any such regulations be reasonably complained of by any member of the society as unjust. He who obtains an office obtains it not as a matter of right but as matter of favour. He who does not obtain an office is not wronged; he is only in that situation in which the vast majority of every community must necessarily be. There are in the United Kingdom five-and-twenty million Christians without places; and, if they do not complain, why should five-and-twenty thousand Jews complain of being in the same case? In this way my honourable friend has convinced himself that, as it would be most absurd in him and me to say that we are wronged because we are not Secretaries of State, so it is most absurd in the Jews to say that they are wronged because they are, as a people, excluded from public employment.

Now surely my honourable friend cannot have considered to what conclusions his reasoning leads. Those conclusions are so monstrous that he would, I am certain, shrink from them. Does he really mean that it would not be wrong in the legislature to enact that no man should be a judge unless he weighed twelve stone, or that no man should sit in parliament unless he were six feet high? We are about to bring in a Bill for the government of India. Suppose that we were to insert in that Bill a clause providing that no graduate of the University of Oxford should be governor-general or governor

of any presidency, would not my honourable friend cry out against such a clause as most unjust to the learned body which he represents? And would he think himself sufficiently answered by being told, in his own words, that the appointment to office is a mere matter of favour, and that to exclude an individual or a class from office is no injury? Surely, on consideration, he must admit that official appointments ought not to be subject to regulations purely arbitrary, to regulations for which no reason can be given but mere caprice, and that those who would exclude any class from public employment are bound to show some special reason for the exclusion.

My honourable friend has appealed to us as Christians. Let me then ask him how he understands that great commandment which comprises the law and the prophets. Can we be said to do unto others, as we would that they should do unto us, if we wantonly inflict on them even the smallest pain? As Christians, surely, we are bound to consider, first, whether, by excluding the Jews from all public trust, we give them pain; and secondly, whether it be necessary to give them that pain in order to avert some greater evil. That by excluding them from public trust we inflict pain on them my honourable friend will not dispute. As a Christian, therefore, he is bound to relieve them from that pain, unless he can show, what I am sure he has not yet shown, that it is necessary to the general good that they should continue to suffer.

But where, he says, are you to stop, if once you admit into the House of Commons people who deny the authority of the Gospels? Will you let in

a Mussulman? Will you let in a Parsee? Will you let in a Hindoo, who worships a lump of stone with seven heads? I will answer my honourable friend's question by another. Where does he mean to stop? Is he ready to roast unbelievers at slow fires? If not, let him tell us why: and I will engage to prove that his reason is just as decisive against the intolerance which he thinks a duty, as against the intolerance which he thinks a crime. Once admit that we are bound to inflict pain on a man because he is not of our religion, and where are you to stop? Why stop at the point fixed by my honourable friend rather than at the point fixed by the honourable Member for Oldham, who would make the Jews incapable of holding land? And why stop at the point fixed by the honourable Member for Oldham rather than at the point which would have been fixed by a Spanish Inquisitor of the sixteenth century? When once you enter on a course of persecution, I defy you to find any reason for making a halt till you have reached the extreme point. When my honourable friend tells us that he will allow the Jews to possess property to any amount, but that he will not allow them to possess the smallest political power, he holds contradictory language. Property is power. The honourable Member for Oldham reasons better than my honourable friend. The honourable Member for Oldham sees very clearly that it is impossible to deprive a man of political power if you suffer him to be the proprietor of half a county, and therefore very consistently proposes to confiscate the landed estates of the Jews. But even the honourable Member for Oldham does not go far enough. He has

not proposed to confiscate the personal property of the Jews. Yet it is perfectly certain that any Jew who has a million may easily make himself very important in the State. By such steps we pass from official power to landed property, and from landed property to personal property, and from property to liberty, and from liberty to life. In truth, those persecutors who use the rack and the stake have much to say for themselves. They are convinced that their end is good; and it must be admitted that they employ means which are not unlikely to attain the end. Religious dissent has repeatedly been put down by sanguinary persecution. In that way the Albigenses were put down. In that way Protestantism was suppressed in Spain and Italy, so that it has never since reared its head. But I defy anybody to produce an instance in which disabilities, such as we are now considering, have produced any other effect than that of making the sufferers angry and obstinate. My honourable friend should either persecute to some purpose, or not persecute at all. He dislikes the word persecution, I know. He will not admit that the Jews are persecuted. And yet I am confident that he would rather be sent to the King's Bench Prison for three months, or be fined a hundred pounds, than be subject to the disabilities under which the Jews lie. How can he then say that to impose such disabilities is not persecution, and that to fine and imprison is persecution? All his reasoning consists in drawing arbitrary lines. What he does not wish to inflict he calls persecution. What he does wish to inflict he will not call persecution. What he takes from the Jews he calls political power. What he is too good-natured to take from

the Jews he will not call political power. The Jew must not sit in Parliament; but he may be the proprietor of all the ten-pound houses in a borough. He may have more fifty-pound tenants than any peer in the kingdom. He may give the voters treats to please their palates, and hire bands of gipsies to break their heads, as if he were a Christian and a marquess. All the rest of this system is of a piece. The Jew may be a juryman, but not a judge. He may decide issues of fact, but not issues of law. He may give a hundred thousand pounds damages; but he may not in the most trivial case grant a new trial. He may rule the money market; he may influence the exchanges; he may be summoned to congresses of emperors and kings. Great potentates, instead of negotiating a loan with him by tying him in a chair and pulling out his grinders, may treat with him as with a great potentate, and may postpone the declaring of war or the signing of a treaty till they have conferred with him. All this is as it should be; but he must not be a Privy Councillor. He must not be called Right Honourable, for that is political power. And who is it that we are trying to cheat in this way? Even Omniscience. Yes, sir; we have been gravely told that the Jews are under the divine displeasure, and that if we give them political power God will visit us in judgement. Do we then think that God cannot distinguish between substance and form? Does not He know that, while we withhold from the Jews the semblance and name of political power, we suffer them to possess the substance? The plain truth is that my honourable friend is drawn in one direction by his opinions, and in a directly opposite direction by his excellent heart.

He halts between two opinions. He tries to make a compromise between principles which admit of no compromise. He goes a certain way in intolerance. Then he stops, without being able to give a reason for stopping. But I know the reason. It is his humanity. Those who formerly dragged the Jew at a horse's tail, and singed his beard with blazing furze-bushes, were much worse men than my honourable friend; but they were more consistent than he.

It has been said that it would be monstrous to see a Jew judge try a man for blasphemy. In my opinion it is monstrous to see any judge try a man for blasphemy under the present law. But, if the law on that subject were in a sound state, I do not see why a conscientious Jew might not try a blasphemer. Every man, I think, ought to be at liberty to discuss the evidences of religion; but no man ought to be at liberty to force on the unwilling ears and eyes of others sounds and sights which must cause annoyance and irritation. The distinction is clear. I think it wrong to punish a man for selling Paine's *Age of Reason* in a back shop to those who choose to buy, or for delivering a Deistical lecture in a private room to those who choose to listen. But if a man exhibits at a window in the Strand a hideous caricature of that which is an object of awe and adoration to nine hundred and ninety-nine out of every thousand of the people who pass up and down that great thoroughfare; if a man in a place of public resort applies opprobrious epithets to names held in reverence by all Christians; such a man ought, in my opinion, to be severely punished, not for differing from us in opinion, but for committing a nuisance which

gives us pain and disgust. He is no more entitled to outrage our feelings by obtruding his impiety on us, and to say that he is exercising his right of discussion, than to establish a yard for butchering horses close to our houses, and to say that he is exercising his right of property, or to run naked up and down the public streets, and to say that he is exercising his right of locomotion. He has a right of discussion, no doubt, as he has a right of property and a right of locomotion. But he must use all his rights so as not to infringe the rights of others.

These, sir, are the principles on which I would frame the law of blasphemy; and if the law were so framed, I am at a loss to understand why a Jew might not enforce it as well as a Christian. I am not a Roman Catholic; but if I were a judge at Malta, I should have no scruple about punishing a bigoted Protestant who should burn the Pope in effigy before the eyes of thousands of Roman Catholics. I am not a Mussulman; but if I were a judge in India, I should have no scruple about punishing a Christian who should pollute a mosque. Why, then, should I doubt that a Jew, raised by his ability, learning, and integrity to the judicial bench, would deal properly with any person who, in a Christian country, should insult the Christian religion?

But, says my honourable friend, it has been prophesied that the Jews are to be wanderers on the face of the earth, and that they are not to mix on terms of equality with the people of the countries in which they sojourn. Now, sir, I am confident that I can demonstrate that this is not the sense of any prophecy which is part of Holy

Writ. For it is an undoubted fact that, in the United States of America, Jewish citizens do possess all the privileges possessed by Christian citizens. Therefore, if the prophecies mean that the Jews never shall, during their wanderings, be admitted by other nations to equal participation of political rights, the prophecies are false. But the prophecies are certainly not false. Therefore, their meaning cannot be that which is attributed to them by my honourable friend.

Another objection which has been made to this motion is that the Jews look forward to the coming of a great deliverer, to their return to Palestine, to the rebuilding of their temple, to the revival of their ancient worship, and that therefore they will always consider England not their country, but merely as their place of exile. But, surely, sir, it would be the grossest ignorance of human nature to imagine that the anticipation of an event which is to happen at some time altogether indefinite, of an event which has been vainly expected during many centuries, of an event which even those who confidently expect that it will happen do not confidently expect that they or their children or their grandchildren will see, can ever occupy the minds of men to such a degree as to make them regardless of what is near and present and certain. Indeed, Christians, as well as Jews, believe that the existing order of things will come to an end. Many Christians believe that Jesus will visibly reign on earth during a thousand years. Expositors of prophecy have gone so far as to fix the year when the Millennial period is to commence. The prevailing opinion is, I think, in favour of the

year 1866; but, according to some commentators, the time is close at hand. Are we to exclude all millenarians from Parliament and office, on the ground that they are impatiently looking forward to the miraculous monarchy which is to supersede the present dynasty and the present constitution of England, and that therefore they cannot be heartily loyal to King William?

In one important point, sir, my honourable friend the Member for the University of Oxford must acknowledge that the Jewish religion is of all erroneous religions the least mischievous. There is not the slightest chance that the Jewish religion will spread. The Jew does not wish to make proselytes. He may be said to reject them. He thinks it almost culpable in one who does not belong to his race to presume to belong to his religion. It is, therefore, not strange that a conversion from Christianity to Judaism should be a rarer occurrence than a total eclipse of the sun. There was one distinguished convert in the last century, Lord George Gordon; and the history of his conversion deserves to be remembered. For if ever there was a proselyte of whom a proselytizing sect would have been proud, it was Lord George; not only because he was a man of high birth and rank; not only because he had been a member of the legislature; but also because he had been distinguished by the intolerance, nay, the ferocity, of his zeal for his own form of Christianity. But was he allured into the Synagogue? Was he even welcomed to it? No, sir; he was coldly and reluctantly permitted to share the reproach and suffering of the chosen people; but he was sternly shut out from their privileges. He underwent the

painful rite which their law enjoins. But when, on his death-bed, he begged hard to be buried among them according to their ceremonial, he was told that his request could not be granted. I understand that cry of 'Hear'. It reminds me that one of the arguments against this motion is that the Jews are an unsocial people, that they draw close to each other, and stand aloof from strangers. Really, sir, it is amusing to compare the manner in which the question of Catholic emancipation was argued formerly by some gentlemen with the manner in which the question of Jew emancipation is argued by the same gentlemen now. When the question was about Catholic emancipation, the cry was, 'See how restless, how versatile, how encroaching, how insinuating, is the spirit of the Church of Rome. See how her priests compass earth and sea to make one proselyte, how indefatigably they toil, how attentively they study the weak and strong parts of every character, how skilfully they employ literature, arts, sciences, as engines for the propagation of their faith. You find them in every region and under every disguise, collating manuscripts in the Bodleian, fixing telescopes in the observatory of Pekin, teaching the use of the plough and the spinning-wheel to the savages of Paraguay. Will you give power to the members of a Church so busy, so aggressive, so insatiable?' Well, now the question is about people who never try to seduce any stranger to join them, and who do not wish anybody to be of their faith who is not also of their blood. And now you exclaim, 'Will you give power to the members of a sect which remains sullenly apart from other sects, which does not invite, nay, which hardly even

admits, neophytes?' The truth is, that bigotry will never want a pretence. Whatever the sect be which is it proposed to tolerate, the peculiarities of that sect will, for the time, be pronounced by intolerant men to be the most odious and dangerous that can be conceived. As to the Jews, that they are unsocial as respects religion, is true; and so much the better; for surely, as Christians, we cannot wish that they should bestir themselves to pervert us from our own faith. But that the Jews would be unsocial members of the civil community, if the civil community did its duty by them, has never been proved. My right honourable friend who made the motion which we are discussing has produced a great body of evidence to show that they have been grossly misrepresented; and that evidence has not been refuted by my honourable friend the member for the University of Oxford. But what if it were true that the Jews are unsocial? What if it were true that they do not regard England as their country? Would not the treatment which they have undergone explain and excuse their antipathy to the society in which they live? Has not similar antipathy often been felt by persecuted Christians to the society which persecuted them? While the bloody code of Elizabeth was enforced against the English Roman Catholics, what was the patriotism of Roman Catholics? Oliver Cromwell said that in his time they were Espaniolized. At a later period it might have been said that they were Gallicized. It was the same with the Calvinists. What more deadly enemies had France in the days of Louis XIV than the persecuted Huguenots? But would any rational man infer from these facts, that either the

Roman Catholic as such, or the Calvinist as such, is incapable of loving the land of his birth? If England were now invaded by Roman Catholics, how many English Roman Catholics would go over to the invader? If France were now attacked by a Protestant enemy, how many French Protestants would lend him help? Why not try what effect would be produced on the Jews by that tolerant policy which has made the English Roman Catholic a good Englishman, and the French Calvinist a good Frenchman?

Another charge has been brought against the Jews, not by my honourable friend the member for the University of Oxford—he has too much learning and too much good feeling to make such a charge—but by the honourable member for Oldham, who has, I am sorry to see, quitted his place. The honourable member for Oldham tells us that the Jews are naturally a mean race, a sordid race, a money-getting race; that they are averse to all honourable callings; that they neither sow nor reap; that they have neither flocks nor herds; that usury is the only pursuit for which they are fit; that they are destitute of all elevated and amiable sentiments. Such, sir, has in every age been the reasoning of bigots. They never fail to plead in justification of persecution the vices which persecution has engendered. England has been to the Jews less than half a country; and we revile them because they do not feel for England more than a half patriotism. We treat them as slaves, and wonder that they do not regard us as brethren. We drive them to mean occupations, and then reproach them for not embracing honourable professions. We long for-

bade them to possess land ; and we complain that they chiefly occupy themselves in trade. We shut them out from all the paths of ambition ; and then we despise them for taking refuge in avarice. During many ages we have, in all our dealings with them, abused our immense superiority of force ; and then we are disgusted because they have recourse to that cunning which is the natural and universal defence of the weak against the violence of the strong. But were they always a mere money-changing, money-getting, money-hoarding race ? Nobody knows better than my honourable friend the member for the University of Oxford, that there is nothing in their national character which unfits them for the highest duties of citizens. He knows that, in the infancy of civilization, when our island was as savage as New Guinea, when letters and arts were still unknown to Athens, when scarcely a thatched hut stood on what was afterwards the site of Rome, this contemned people had their fenced cities and cedar palaces, their splendid Temple, their fleets of merchant ships, their schools of sacred learning, their great statesmen and soldiers, their natural philosophers, their historians, and their poets. What nation ever contended more manfully against overwhelming odds for its independence and religion ? What nation ever, in its last agonies, gave such signal proofs of what may be accomplished by a brave despair ? And if, in the course of many centuries, the oppressed descendants of warriors and sages have degenerated from the qualities of their fathers, if, while excluded from the blessings of law, and bowed down under the yoke of slavery, they have contracted some of the vices of outlaws and of

slaves, shall we consider this as a matter of reproach to them? Shall we not rather consider it as matter of shame and remorse to ourselves? Let us do justice to them. Let us open to them the door of the House of Commons. Let us open to them every career in which ability and energy can be displayed. Till we have done this, let us not presume to say that there is no genius among the countrymen of Isaiah, no heroism among the descendants of the Maccabees.

Sir, in supporting the motion of my honourable friend, I am, I firmly believe, supporting the honour and the interests of the Christian religion. I should think that I insulted that religion if I said that it cannot stand unaided by intolerant laws. Without such laws it was established, and without such laws it may be maintained. It triumphed over the superstitions of the most refined and of the most savage nations, over the graceful mythology of Greece and the bloody idolatry of the northern forests. It prevailed over the power and policy of the Roman Empire. It tamed the barbarians by whom that empire was overthrown. But all these victories were gained not by the help of intolerance, but in spite of the opposition of intolerance. The whole history of Christianity proves that she has little indeed to fear from persecution as a foe, but much to fear from persecution as an ally. May she long continue to bless our country with her benignant influence, strong in her sublime philosophy, strong in her spotless morality, strong in those internal and external evidences to which the most powerful and comprehensive of human intellects have yielded assent, the last solace of those who have outlived every earthly

hope, the last restraint of those who are raised above every earthly fear! But let not us, mistaking her character and her interests, fight the battle of truth with the weapons of error, and endeavour to support by oppression that religion which first taught the human race the great lesson of universal charity.

RICHARD COBDEN

September 28, 1843

FREE TRADE

It would be no impeachment of the nerves of the most practised preacher if he felt a little daunted at such a meeting as this. I thought our last gathering at Drury Lane a most imposing one, but that could not be compared with the sublime spectacle which now presents itself before me. My business to-night is purely of a practical nature, and I am glad it is so, for I am altogether a practical man. I do not know that I should have deemed it necessary to trouble you with one word of argument on the general question of the Corn-laws or Free Trade; but we meet at the present moment under rather different circumstances from those under which we last parted, and I will, therefore, detain you for a moment before I enter into the practical details which I have to bring before you. You will have observed in the monopolist newspapers that our opponents place considerable reliance, in seeking to make out a case, upon the recent revival of trade and manufactures, for they tell you that this revival will not only terminate our agitation, but that it is the best possible refutation of the truth of our principles. Now I tell them that it will not put an end to our agitation, and I am prepared to show them, and you, that it is a

triumphant proof of the truth of our principles. I admit the partial revival of trade and manufactures: I wish I could say it was a general revival. I wish I could say it was half as extensive as these monopolist exaggerations represent it to be.

What is the cause of the revival? I am not in the habit of troubling such meetings as this with reading statistical documents—they are generally most inappropriate—but by way of showing you what the cause of the recent revival of trade is, as an illustration better than any other I could give you of the truth of our principles, I will just ask your attention to one short statistical statement. The average price of wheat in the three years 1839, 1840, and 1841 was 67*s.* 1*d.*; the price in 1839 being 70*s.* 6*d.*, the price in 1840, 66*s.* 4*d.*; and the price in 1841, 64*s.* 5*d.* These three years were years of unparalleled suffering and distress in this country. Last autumn Providence blessed us with an abundant harvest, and this, in connexion with an importation of foreign corn to the extent of three millions, so reduced the price of wheat, that the average price of that article for the first six months of the present year has been only 47*s.* 7*d.* Now, if there had been no revival of trade, under such circumstances, I should not have dared to appear before you. I should have deserved, indeed, the character of an impostor, as to all that I have said on this subject, had there been no revival of trade under such circumstances. You will have observed from what I have said, that wheat was about 20*s.* a quarter less for the first six months of the present year than for the three years 1839, 1840, and 1841; and while there was this reduction in the price of wheat, there was, at

the same time, a reduction in the price of all other kinds of grain by 8*s.* a quarter.

In order to understand the magnitude and importance of the subject with which we have to deal—there are some who think we over-estimate its importance; I think that up to the present time we have under-estimated it—in order to understand the matter better, I will mention, that the estimated consumption of grain per annum in this country is twenty million quarters of wheat, and forty millions of quarters of all other kinds of grain. It follows, therefore, that the additional cost of grain in each of the three years of distress was, say—twenty millions of quarters of wheat, at 20*s.* a quarter, twenty millions sterling; forty millions of quarters of all other kinds of grain at 8*s.*, sixteen millions sterling; together, thirty-six millions sterling. But grain is not the only article of agricultural produce, though grain governs the price of the other articles. It is estimated that the consumption of potatoes, meat, cheese, and all other articles of agricultural produce, is equal to the same quantity of grain (sixty millions of quarters); and the price of the one being, as I have said, governed by the other, taking the advance in price as equal to 8*s.* a quarter, here is a further addition of twenty-four millions sterling making a total of sixty millions sterling per annum, or thirty millions sterling for the half-year, or five millions per month. All this difference in price was left in the pockets of the people the first six months of the present year; which saving, after supplying food and other articles of agricultural produce, they were thus able to spend in other ways, in buying articles of linen and cotton manufacture, hats, bonnets and so forth. This

accounts for the increased demand we have noticed for the labour of those who make linen and cotton goods, hats, bonnets, and so forth; and this accounts, too, for the people being able to buy an extra quantity of tea, sugar, and other articles in the cheap year, beyond what they consume in dear years, and this again accounts for the foreign trade in those articles also improving.

This, I say, accounts for the partial revival we have observed in our trade; but then, this revival has been accompanied by a corresponding depression of the agricultural interest. The agricultural and the manufacturing interests would seem to be like the two buckets in a draw-well, the one going down empty as the other comes up full. In proportion as there is a revival of manufactures, consequent upon moderate prices in food, we hear the cry of agricultural distress. This has always been so much the case that I challenge any one to point out an instance, ever since these Corn-laws were introduced, wherein the agriculturists and the manufacturers have had simultaneous prosperity. Now, I ask, is this a natural state of things? Is this alternation of distress—this intermittent fever, now attacking the one great portion of the body politic, and then the other—this distress falling on the farmer at a time when Heaven has blessed him with an abundant harvest—is this a natural state of things? And yet in every instance where the farmers have been plunged in the greatest distress and suffering, it has been in the midst of the most bountiful harvest, and in the most genial seasons. Any man who takes these facts alone, must have a very undue and irreverent notion of the great Creator of the world, if he supposes that this is a

natural or a designed state of things. No; there is an unnatural cause for this unnatural state of things, and that unnatural cause is the law which interferes with the wisdom of the Divine Providence, and substitutes the law of wicked men for the law of nature.

During the three years to which I have been adverting, the owners of the soil might have expected to have suffered in consequence of the bad seasons; but what has been the fact? The landlords have been revelling in prosperity—in a bloated and diseased prosperity—at the very time when the people have been suffering the greatest privations and want of food. Rents have been rising. I say it boldly—it cannot be denied—rents have been generally, if not universally, raised during the three years of which I have been speaking. How stands the case of the landowner during the years of short crops and suffering to the whole community? He then extorts his rents from the distress of the operative, from the capital of the employer, or from the savings of those who are living upon the accumulations of themselves or their forefathers. And when the season is favourable—when Heaven smiles upon the fields, and our harvests are again abundant—the landlord extorts his rent from the distress and the capital of the farmer. Nobody can deny that for a series of years the landowners have been raising their rents, not from the legitimate prosperity of the tillers of the soil, or the prosperity of the manufacturing classes. They have been raising their rents from the capital and the labour of the trading community, or from the capital of their own deluded victims, the farmers. The landowners—oh, shame upon the order! I

say shame upon the landowners and their order, unless they shall speedily rescue themselves from this pitiable—if they deserve pity—this degrading dilemma. The landowners will very soon be ashamed to hold up their heads and own themselves to be English landowners and members of our aristocracy in any enlightened and civilized country in Europe.

Do I seek to injure the landowners even pecuniarily? I have never owned it where I should have been most ready to tell them my opinions to their face—in the House of Commons. The landowners have nothing pecuniarily, they have nothing ultimately, to dread from a free trade in corn. But under Free Trade, instead of extorting their rents from the distress of every class in the country, they would be thrown back upon their own resources. Now there are riches slumbering in the soil—if the owners employ their capital and their intelligence, as other classes are forced to do, in other pursuits—there are undeveloped bounties even on the surface of the earth, and there are ten times more beneath the surface, which would make them richer, happier, and better men, if they would cast aside this monopoly. Last week, in addressing the farmers of Cheshire, I said I would bring a jury of Scotch agriculturists before the House of Commons—if their verdict could be taken there—who would state upon oath that the surface of Cheshire would, if properly cultivated, yield three times the amount of its present produce. If you were travelling by the railroad, and marked the country from Stafford to Whitmore, and then from Whitmore to Crewe, and thence the thirty miles to Manchester, I challenge all England to show such a disgraceful picture

—three-fourths of the finest fields left to the undisputed dominions of rushes—not a shilling spent in draining, although it is now universally acknowledged that draining is the means of doubling the productions of such soils—hedgerows of every imaginable shape but a straight line, and fields of every conceivable form but the right one. And these are the men who content themselves with sluggish indolence, and draw from the impoverishment of the people; who pick the pockets of the handloom weavers rather than, by a right application of their intellect and their capital, double the quantity of grain, or butter, or cheese, which the land is capable of providing. And thus, if Free Trade did compel them to sell their articles at a less price, it would be the means of enabling the people of the country to have a double supply of food. The home market for food would be doubled, and the landowner might become an honest politician.

We are now told that the present state of the manufacturing and trading classes will put an end to the agitation for the repeal of the Corn-laws. Why, gentlemen, I think we have a few mementoes left yet to remind us that we have a Corn-law monopoly in the shape of an income-tax; in our extra poors'-rates, extra county-rates, extra taxation for the five thousand troops which were added to the army in 1839, on the first outbreak consequent upon the famine which overspread the land. We have these, and other memorials of monopoly; and if some of us have survived the hurricane, can we forget the thousands and tens of thousands who fell victims to the distress of 1839, 1840, and 1841? Shall we forget that 500,000 of our countrymen have, since the August of 1838,

expatriated themselves from their native soil, to seek in more hospitable lands the food denied them here? Can we forget the hundreds who have dropped into a premature grave, famine-stricken, since that time? Can we forget the scores who, by the records of the coroner's courts, have died by their own hands, to escape a lingering death by starvation? No; if we could be selfish enough—we, who have braved the storm and outlived the hurricane—ourselves to forget these things, we ought to be reminded of these events. But that we are not going to forget them, and that we will make this the occasion for redoubling our exertions, the plan which I shall have the pleasure of laying before you, and submitting to your approbation as the plan of the League for future proceedings, will be sufficient to demonstrate.

You have heard that we have distributed a vast amount of useful knowledge on the subject of the existing monopoly. We should be bad husbandmen if we allowed the harvest which is ripening around us to be overspread by weeds or gathered by others than by ourselves.

The League proposes to take another step in giving a direction to the legislative power of this country. We propose to draw the bonds more closely between the League and the electoral body of the country, by the course of proceedings which I shall submit to you. We regard the electors of the country as possessing in their own hands absolute dominion within these realms. The laws of the country, whether good or bad, are but the breath of their nostrils. It is not our fault if the electoral body is not exactly as we should have wished to have found it—we must work with the

instruments we have, unless others will find us better ones. We are not in fault if the electoral body is so distributed as to give, by its scattered and detached fragments, the greatest advantages to our enemies, who are the enemies of the human race, in meeting us in the field of combat. We must make the best use we can of it as it is. The plan of the League is to bring the more powerful sections of the electoral body into a union with the more vulnerable portions. What is the use of Manchester and Birmingham, and Glasgow and Edinburgh, possessing an overwhelming majority —which no monopolist will dare to face at another election—if their voices are to be counterbalanced, probably by the intriguers living in some small borough which has for electoral purposes the same weight as Manchester or Birmingham? But we will bring the great majority of the electors in the large boroughs into union with those in the smaller ones. Do you suppose that because the small boroughs have not always resisted the influences exercised upon them, they are without sympathy with the condition of other bodies of their countrymen? I have the means of knowing the reverse to be the case. I have been to your cathedral cities and to your rural boroughs, which are now represented by monopolists; and I have heard upon the best authority that three-fourths of the inhabitants are heart and soul Free Traders.

We propose—we, the League, propose a plan. And don't suppose that means a few men from Manchester. The League is composed, I hope, of this meeting to begin with. It contains a great majority of the electors in the great towns and cities I have mentioned. This is the League, and

before long I hope it will comprise every man in the country, unless he either believes that he has an interest in monopoly, or because the marks of stupidity are so strongly imprinted on his countenance as to hold out a continual running invitation, 'Come rob me.' We propose to provide a copy of every registration-list for every borough and county in the United Kingdom, as soon as the present registration shall have been completed. We intend to bring these registers to a central office in London. We then propose to open a correspondence, the most extensive that ever was contemplated, and that ever, I am sure, was undertaken. Those electors amount to 800,000; but I will take 300,000, excluding those in the already safe boroughs, as forming the number necessary to constitute the returns of a majority in the House of Commons. We propose to correspond with these 300,000 to begin with. And when I say correspond, don't let any timid, cautious friends fancy that we are going to commit them by forming ourselves into a 'Corresponding Society'. I am going to tell you what we mean to correspond about. We propose to keep people well informed as to the progress of our question by means of the penny postage, which has not yet been sufficiently used. I may say, in a parenthesis, that the Duke of Buckingham presided at a public meeting at Salt Hill, to celebrate the defeat of the Great Western Railway. He was a sagacious man, for the railways and the penny postage will pull down his monopoly. We intend, then, to keep the constituencies well informed by means of the penny postage, enclosing the useful information connected with the question, and tracts bearing the most recent illustrations of

it together. What could be more desirable than to-morrow to send to those 300,000 electors copies of the newspapers containing the best reports of this meeting? But we propose to send them one letter a week, and that will cost twopence for the stamp and the enclosure. That will be £2,500. I mention this by way of illustration and preface to what I am going to tell you before I conclude. Besides this correspondence, we intend to visit every borough in the kingdom, not by agents—we will go ourselves, because we want the thing well done. We will specially invite the electors to meet such deputations without distinction of party—we know nothing of party in this agitation—and having met the electors, we shall have a little business to transact with them. In the first place, we shall urge upon our friends to organize themselves, and to commence a canvass of their boroughs to ascertain the number of Free Traders, and in every case where it is possible to obtain a majority of the electors in favour of Free Trade; that majority to memorialize their members, where they have not voted rightly, to vote in favour of Mr. Villiers' motion, which will be brought on early next session. Besides that, the deputation will urge upon the electors to have a Free Trade candidate ready to supplant every monopolist who still retains a seat for a borough; and the League will pledge itself, where a borough constituency finds itself at a loss for a candidate, to furnish it with one, and to give to every borough in which a vacancy occurs, an opportunity for its electors to record their votes in favour of Free Trade principles. (A voice: 'The City.') We'll talk of that by-and-by.

Now, it may be objected to us—and it has been objected—that by such means no good can be accomplished. If it cannot be accomplished by such means, it cannot be righteously accomplished at all. But it can be accomplished by such means, and we have hitherto been unfairly dealt with in our struggle with the constituencies. The last general election disclosed an amount of bribery, corruption, and intimidation, involving brutal violence, even to homicide; and the present Parliament is the creature of that vile system. And shall such a system be continued? No; not against the League. Whenever we have a voice—and we will have one in every borough when an election takes place—we will see if we cannot put down this system of bribery, and I think we may manage effectually to muzzle the intimidators. The system itself got its death-blow at the last election. It was found, in the first place, too costly. The rents would not stand such an experiment again for either party. In the next, Mr. Roebuck's exposure—and thanks to him for making it—shamed even shameless men in the House of Commons. In the next, Lord John Russell's new law—I wonder they ever let him pass it—presents the means of putting down bribery, if fairly used; but beyond that we have a better and a wiser resort than any. Hitherto the bribers and the bribees have been suffered to escape with impunity. They have been brought before the House of Commons, a committee has decided upon the case, the petitioner has had the satisfaction of unseating the member, and was saddled with the same expense, and was at liberty to stand again; but the House of Commons took no steps to punish those by whose guilt the system

was carried on. By that means they were accessories after the fact; and little better, indeed, could be expected from such a House of Commons. Now, we will try the experiment of a criminal court against these gentry. The man who bribes, or offers a bribe, is guilty of a misdemeanour, and liable to a heavy fine, and also liable to a severe imprisonment. I have heard an objection made, that you cannot obtain a conviction in such a case. You cannot obtain a conviction! why not? Will a jury of our countrymen find a verdict of guilty against the hapless wretch who steals a morsel of bread for his famishing children, and will they not convict those whose guilt was of tenfold criminality—who would buy and sell that franchise upon which the bread of that poor creature depends? I say, yes. The juries of this country are precisely the class which will convict in such cases; and it is upon a jury of the country that we mainly rely for putting down bribery and abating the flagrant system of intimidation for the future. Yes, a jury of our country saved our liberties in times past from a despotic monarchy, and again from corrupt and tyrannical administrations; and it will save us from the worse danger to our liberties—from the taint that has been eating into the electoral bodies of the kingdom.

It is not the intention of the League to recommend any further petitioning to the House of Commons. So soon as the proceedings in reference to the electoral body to which I have alluded shall have reached such a point as to warrant the step, the Council will recommend the electors, not to petition Parliament—of that, enough has been done already—but to memorialize the Queen, that she

will be pleased to dissolve the present Parliament, which, like everything generated in corruption, must necessarily be short-lived, and to give to the electors an opportunity of sending men to make laws, with the advantages of the lights and experience which they have acquired since, under a delusion, they were induced at the last election to return the majority of the present House of Commons.

I have now told you the plan which we have to submit to you, the sanction of which we have to ask you to-night; and as a means of carrying on these proceedings and to furnish the money for doing so, the Council are resolved to raise the sum of £100,000. Yes, it may save a waste of ink to-morrow, by telling the monopolist scribes, that the money will be raised, and that hereafter, as heretofore, the men who have taken the greatest amount of labour, and who will continue to do so, in the cause, and who did so before they were ever heard of beyond the precincts of their own localities, will, as they did from the beginning, lead the van in the amount of their subscriptions for the great object which we have in view. We offer to every one the opportunity of registering his name, or her name, on this muster-roll of commercial freedom; and we do so with the perfect assurance that it is the last time we shall have to call upon our friends for a sacrifice in the cause. I feel bound, in making this statement, to take care that there shall be no misunderstanding in the minds of any party as to the money which shall be subscribed, or the conditions on which it shall be raised. We ask no one to give us money unless they are fully convinced that we are in earnest in the principles which we

advocate. We ask none to contribute unless they believe that the characters, personal, private, and public, of the men who shall be hereafter taking the responsible part in this agitation, are such as they can approve and trust; and we do not ask anybody to join us now who will not be prepared, when the time shall come, to give full effect to his opinions and convictions by standing firm to the principles upon which the League is founded. Let there be no misunderstanding as to that. This is not a party move, to serve any existing political organization; we care nothing for political parties. As they at present stand, there is very little indeed to choose between the two great parties. Let a statesman of established reputation, of whatever side in politics, take the step for perfect freedom of trade, he shall have the support of the League. We have given but a slight specimen of what we shall be able to do when a Minister, whether Whig or Tory, shall adopt such a course. He shall have the support of the League to carry such a measure, whatever his other political opinions may be.

We do not seek to interfere with any man's political opinions; there are no ulterior objects in the view of this Association. I say it solemnly, on behalf of the men with whom I am daily associating, that they have no second or collateral object in view that I am acquainted with. The single and undisguised object of the League is to put down commercial monopoly; but that cannot be done by saddling upon our backs a fixed duty on corn, which means a differential duty on sugar, on coffee, and monopoly in every other article. The Corn-law is the great tree of Monopoly, under whose baneful shadow every other restriction exists.

Cut it down by the roots, and it will destroy the others in its fall. The sole object of the League is to put an end to and extinguish, at once and for ever, the principle of maintaining taxes for the benefit of a particular class. The object is to make the revenue what it ought to be—a stream flowing into the Queen's Exchequer, and not a penny of it intercepted by the Duke of Buckingham, or Sir E. Knatchbull, to pay off their endowments or their settlements; by Lord Mountcashel to discharge his burthens or his mortgages; or by any other person, or for the maintenance of any object whatsoever.

I have told you the object of the League; but it is no fault of ours if our enemies, by their opposition to our just demands, give rise to a struggle on other points with which this agitation has nothing to do. It is no fault of ours if with this agitation should be mixed up the question of rents, and should mingle in a degree that would render it difficult to separate the rights of property from the claims of those who labour under the grievance of these intolerable exactions. It is no fault of ours if the nobility of this country should become as much detested at their own baronial hall doors as were the noblesse of France previous to the Revolution. We are responsible for none of these things. The fault lies with those who support monopoly, who are deaf to reason and justice, and who place themselves upon a pedestal of injustice; a pedestal which is always liable to fall, and always certain to bring down those who stand upon it.

Gentlemen, I have said my say. There are others to follow me, and I will only say, un-

feignedly, that we are engaged in an agitation which has no ulterior views, and that, while so engaged, we are utterly regardless of the imputations that may be cast upon us by our opponents. I could spare the monopolist prints oceans of ink, and great midnight labour in preparing their vituperations, if I could only make them believe that their attacks upon me fall as harmless as the water-drops from the sky do. We have no desire to be politicians. I say it, without affectation, that there is not a man amongst us who aims at making a political life his profession. We are aware that this great question must be carried in Parliament, not by us, but by some statesman of established reputation; but while we possess the power that we do possess out of doors—and it is nothing to what it will be twelve months hence—the cause shall never be surrendered to any Minister, to promote the purpose of any political party; and, so far as the labour goes, so long as I am blessed with health, I shall give it cheerfully; nay, I shall consider it a privilege to labour in the cause. If I were not convinced that the question comprises a great moral principle, and involves the greatest moral world's revolution that was ever yet accomplished for mankind, I should not take the part I do in this agitation.

Free Trade! What is it? Why, breaking down the barriers that separate nations; those barriers behind which nestle the feelings of pride, revenge, hatred, and jealousy, which every now and then burst their bounds, and deluge whole countries with blood; those feelings which nourish the poison of war and conquest, which assert that without conquest we can have no trade, which foster that lust

for conquest and dominion which sends forth your warrior chiefs to scatter devastation through other lands, and then calls them back that they may be enthroned securely in your passions, but only to harass and oppress you at home. It is because I think I have a full apprehension of the moral bearing of this question, that I take a pride and gratification in forming one in the present agitation; and I invite you all to take a part in it, for there is room and glory and fame enough for all as soon as we have achieved the great triumph of the downfall of the Corn-laws.

BENJAMIN D'ISRAELI

AFTERWARDS EARL OF BEACONSFIELD

JANUARY 22, 1846

SPEECH ON THE ADDRESS

[Sir Robert Peel had now declared his Free Trade policy; and the following speech is a kind of grand cannonade, before the attack began on specific propositions.]

SIR, I admire a Minister who says that he holds power to give effect to his own convictions. These are sentiments that we must all applaud. Unfortunate will be the position of this country when a Minister pursues a line of policy adverse to the convictions which he himself entertains. But when we come to a question of such high delicacy as the present, we may be permitted to ask ourselves what are the circumstances which require one so able, and one so eminent, to enter upon the vindication of himself, and to rise in this House, amid the cheers of his former opponents, to place himself in a position of an apologetical character to those who were once of his own party? I have no doubt that the right honourable gentleman has arrived at a conscientious conclusion on this great subject. The right honourable gentleman says, that it is not so much by force of argument, as by the cogency of observation that he has arrived at this conclusion. But, sir, surely the observation which the right honourable gentleman has made,

might have been made when he filled a post scarcely less considerable than that which he now occupies, and enjoyed power scarcely less ample than that which he now wields in this House. I want to know how it is that the right honourable gentleman, who certainly enjoys the full maturity of manhood, should not have arrived at this opinion, which I deplore, although conscientious, at the moment when his present Government was formed? What, sir, are we to think of the eminent statesman who, having served under four Sovereigns, unable to complain of want of experience or Royal confidence—who, having been called on to steer the ship on so many occasions, and under such perilous circumstances—has, only during the last three years, found it necessary entirely to change his convictions on that important topic which must have presented itself for more than a quarter of a century to his consideration? Sir, I must say that such a Minister may be conscientious, but that he is unfortunate. I will say also, that he ought to be the last man in the world to turn round and upbraid his party in a tone of menace.

Sir, there is a difficulty in finding a parallel to the position of the right honourable gentleman in any part of history. The only parallel which I can find is an incident in the late war in the Levant, which was terminated by the policy of the noble Lord opposite. I remember when that great struggle was taking place, when the existence of the Turkish empire was at stake, the late Sultan, a man of great energy and fertile in resources, was determined to fit out an immense fleet to maintain his empire. Accordingly a vast armament was

collected. It consisted of many of the finest ships that were ever built. The crews were picked men, the officers were the ablest that could be found, and both officers and men were rewarded before they fought. There never was an armament which left the Dardanelles similarly appointed since the days of Solyman the Great. The Sultan personally witnessed the departure of the fleet; all the muftis prayed for the success of the expedition, as all the muftis here prayed for the success of the last general election. Away went the fleet; but what was the Sultan's consternation, when the lord high admiral steered at once into the enemy's port! Now sir, the lord high admiral on that occasion was very much misrepresented. He, too, was called a traitor, and he, too, vindicated himself. 'True it is,' said he, 'I did place myself at the head of this valiant armada—true it is that my Sovereign embraced me—true it is that all the muftis in the empire offered up prayers for my success; but I have an objection to war. I see no use in prolonging the struggle, and the only reason I had for accepting the command, was that I might terminate the contest by betraying my master.' And, sir, these reasons offered by a man of great plausibility, of vast adroitness, have had their effect, for—you may be surprised at it—but I assure you it is a fact, which, by the way, the gallant officer opposite (Commodore Napier) can testify, that he is at this moment the First Lord of the Admiralty at Constantinople, under the new reign. [Sir C. Napier: I thought he was dead.] The gallant Commodore says that he is dead. At any rate he was not shot for treason.

Well now, the right honourable gentleman has

turned round on us, and in a peroration, the elaborate character of which remarkably contrasted with the garrulous confidence of all the doings of his Cabinet, the right honourable gentleman told us that he had been assured that a certain power had made him Minister, and that a certain power would prevent him from being a Minister; but that he protested against such an authority, and that he never would hold office by so servile a tenure. Sir, no one can fill a position such as that of the right honourable gentleman, and give utterance to sentiments so magnanimous as his, without reference to antecedents. And that leads us to the consideration of that government by parties which must never be lost sight of in estimating the position of the right honourable gentleman. It is all very well for the right honourable gentleman to say, 'I am the First Minister;' —and, by the by, I think the right honourable gentleman might as well at once adopt the phraseology of Walpole, and call himself the sole Minister, for his speech was rich in egotistic rhetoric;—it is all very well for him to speak of himself as the sole Minister, for as all his Cabinet voted against him, he is quite right not to notice them. I repeat, it is all very well for the right honourable gentleman to come forward to this table and say—'I am thinking of posterity, although, certainly, I am doing on this side of the table the contrary to that which I counselled when I stood upon the other; but my sentiments are magnanimous, my aim is heroic, and, appealing to posterity, I care neither for your cheers nor your taunts.'

But, sir, we must ask ourselves—as Members of the House of Commons, as the subjects of a popular

Government, we must ask ourselves—what were the means, what the machinery, by which the right honourable gentleman acquired his position, how he obtained power to turn round upon his supporters, and to treat them with contempt and disdain? Sir, the right honourable gentleman has supported a different policy for a number of years. Well do we remember on this side of the House—perhaps not without a blush—well do we remember the efforts which we made to raise him to the bench on which he now sits. Who does not remember the 'sacred cause of protection', the cause for which Sovereigns were thwarted—Parliaments dissolved—and a nation taken in! Delightful, indeed, to have the right honourable gentleman entering into all his confidential details, when, to use his courtly language, he 'called' upon his Sovereign. Sir, he called on his Sovereign; but would his Sovereign have called on the right honourable Baronet, if, in 1841, he had not placed himself, as he said, at the head of the gentlemen of England? that well-known position, to be preferred even to the confidence of Sovereigns and of courts.

It is all very well for the right honourable Baronet to take this high-flying course; but I think myself—I say it with great respect for gentlemen on this side of the House, and gentlemen on the other; I say it without any wish to achieve a party triumph, for I believe I belong to a party which can triumph no more; for we have nothing left on our side except the constituencies which we have not betrayed; but I do say that my conception of a great statesman is of one who represents a great idea—an idea which may lead him to power—an idea with which he may identify himself—

an idea which he may develop—an idea which he may and can impress on the mind and conscience of a nation. That, sir, is my notion of what makes a man a great statesman. I do not care whether he be a manufacturer, or a manufacturer's son. That is a grand—that is indeed an heroic position. But I care not what may be the position of a man who never originates an idea—a watcher of the atmosphere—a man who, as he says, takes his observations, and when he finds the wind in a certain quarter trims to suit it. Such a person may be a powerful Minister, but he is no more a great statesman than the man who gets up behind a carriage is a great whip. Both are disciples of progress. Both, perhaps, may get a good place. But how far the original momentum is indebted to their powers, and how far their guiding prudence regulates the lash or the rein, it is not necessary for me to notice.

Why, sir, the right honourable gentleman places himself in the House in this position. He tells us that he has held high office under four Sovereigns, 'George III, George IV, King William, and Queen Victoria.' His historic career—for it amounts to that—is, that he has served four Sovereigns—it is his own recommendation. It is as much as to say, 'I am able and experienced—the Grandfather of our present Sovereign trusted me—a Regent and a King trusted me—a King in a revolution trusted me—a Conservative Sovereign trusted me. I must be wise, and able, and experienced.' He tells you this as his recommendation, and he adds, 'Follow me.' Follow him!—Who is to follow him, or why is anybody to follow him—or where is anybody to follow him to? What

does he mean to do—this great statesman, who talks with a sneer of an 'ancient monarchy,' and 'a proud aristocracy,' and the difficulty of reconciling them with a reformed constituency; and who tells us that we are but drags on the wheel, and that he is the only driver. Have we arrived at that? Is that the opinion of the majority of this House, or even of the minority—of the majority of the country, or even of the minority? Is it their opinion that ancient monarchies and proud aristocracies are inconvenient lumber, to be got rid of on the first convenient opportunity—that they are things irreconcileable with a reformed constituency, reformed under this Minister's own protest, in spite of his own protest, this man who comes forward and tells us he is devoting himself to his country, and sacrificing himself to his Sovereign, and that he is the only man who can advise you what counsel it is most expedient for you to pursue?

He tells us that he is still purely Conservative: for, asks he, 'has not my administration put down agitation?' Sir, I confess when I heard this, that great as undoubtedly are the powers of Parliamentary face of the right honourable gentleman—I confess, sir, that I was thunderstruck. I could forget the agitated councils called without a cause, and dismissed without a consequence—the candid explanation of the situation of his Cabinet—his admission that the only man in that body who dared to speak the truth differed from him; the almost humble confession that, in spite of Lyon Playfair and Professor Lindley, he had been misled in his information; that his viceroy, who, being a diplomatist, communicated his principal informa-

tion in a postscript, had caused such false impressions in the Cabinet that the Secretary of State was obliged to send a courier for an explanation: all these frank details I could afford to admire in one who has taken up so lofty a position as the right honourable Baronet says he has taken, and who can afford to speak truth; but really when he told us that his Conservative Administration had put down agitation, when he said this in the face of the honourable Member for Stockport, in the face of the honourable Member for Durham, then, sir, I confess, that the right honourable Baronet did manage to achieve the first great quality of oratory, that he did succeed in making an impression on his audience! Put down agitation! Will he rise and deny that he is legislating or about to legislate with direct reference to agitation? What other excuses has he—for even his mouldy potatoes have failed him, even the reports of his vagrant professors have failed him—to induce the noble Representative of South Lancashire, and the honourable Representative of Yorkshire, to come forward and stand his bail?

Sir, I remember, in the midst of a great revolution, when all the principles of our social system were called into question—when we heard much of the inconvenience of ancient monarchies and proud aristocracies—when it was necessary to invent some means, to devise some expedient to manage reformed constituencies—well do I remember that great mind, which was to control divided counsels—to guide a distracted people, delivering itself of that oracle, which rung so solemnly over the land, 'Register, register, register!' Register, some thought, to save the Corn-laws; some to

save the Monarchy ; some to save the Church. We went on registering ; and the right honourable gentleman went on making protection speeches—a great orator before a green table beating a red box. Then he showed us the sovereign passion—we were to register to make him a Minister. The statesman who opposed Catholic Emancipation against arguments as cogent as any which the gentlemen of the League can now offer—in spite of political expediency a thousand times more urgent than that which now besets them—always ready with his arguments and amendments—always ready with his fallacies ten thousand times exploded—always ready with his Virgilian quotations to command a cheer—the moment that an honourable and learned gentleman was returned for the county of Clare, then immediately we saw this right honourable gentleman not ashamed to recall his arguments—not ashamed to confess that he was convinced ; but telling us, on the contrary, that he should be ashamed if he had not the courage to come forward and propose a resolution exactly contrary to his previous policy.

And so is it always with the right honourable gentleman. Nursed in the House of Commons, entertaining no idea but that of Parliamentary success, if you wish to touch him to the quick, you must touch him on the state of the poll. The moment that he heard of South Lancashire being lost—by means respecting which I will not, at this moment, say anything—the moment he heard that Yorkshire was in danger—the right honourable Baronet—the Minister who has served four Sovereigns—the gentleman who has had the question of protection before his official mind in

every shape which ingenuity could devise, during his Parliamentary career of a quarter of a century —this gentleman suddenly finds that the arguments in favour of protection to native industry are not, after all, so cogent as he once thought them; he discovers that the principle of protection cannot be supported; and, having arrived at this conclusion, then, with all the debating dexterity—with all the Parliamentary adroitness he possesses, he comes forward—he has the sublime audacity to come forward and confess that at his ripe age he is convinced by arguments the very same we have heard for the last thirty years: and, greater triumph still, he has the Parliamentary tact to convince most of his supporters that he is sincere.

Sir, I give the right honourable gentleman full credit—I admire his Parliamentary powers—I admit them—I appreciate them; but it is really too much for a Minister who has led such a career—who offers us such arguments—who tells us, in effect, that it is not intellect which should govern—that it is not great and true ideas which should govern; but that it is the state of the registration, and the accident of the poll—it is, I repeat, too much for such a man to come forward and talk to us in high-pitched language about his lofty spirit, about his determination never to be the tool of those of whom, when in opposition, he was, by the by, the very ready counsellor—to come forward and say that he is but thinking of posterity —that he is touched by the love of fame, the noblest of all aspirations, and which alone constitutes the highest reward for his great toils. What an advantage to a country to be governed by a Minister

who thinks only of posterity! The right honourable gentleman has before assured us that he and his colleagues are only thinking of 'the future'. Who can doubt it? Look at them. Throw your eyes over the Treasury Bench. See stamped on each ingenuous front, 'the last infirmity of noble mind.' They are all of them, as Spenser says, 'imps of fame.' They are just the men in the House you would fix upon as thinking only of posterity. The only thing is, when one looks at them, seeing of what they are composed, one is hardly certain whether 'the future', of which they are thinking, is indeed posterity, or only the coming quarter day! I should like to know what posterity may think of a Cabinet which resigns office because it cannot support a policy, and accepts office for the same reason. In the history of England—in the history of parties, I defy any man—I defy even the right honourable Member for Edinburgh, with his disciplined memory and cultivated mind—I defy any man learned in British history, to adduce me a case parallel to this.

And what is to be the result? If 'coming events cast their shadows before', I suppose no gentleman in a sane state of mind can doubt it. We resisted the moderate proposal of the Whigs. We rejected it, confiding in the experience of that practised individual—the gentleman who has served four Sovereigns. We were blind enough to believe, that a gentleman of such great ability—of such long experience—who had had such immense advantages, could not make very gross and palpable blunders. We accepted him for a leader to accomplish the triumph of protection; and now we are to attend the catastrophe of protection. Of course

the Whigs will be the chief mourners. They cannot but weep for their innocent, although it was an abortion; but ours was a fine child. Who can forget how its nurse dandled it, fondled it? What a charming babe! Delicious little thing! so thriving! Did you ever see such a beauty for its years? This was the tone, the innocent prattle. And then the nurse, in a fit of patriotic frenzy, dashes its brains out, and comes down to give master and mistress an account of this terrible murder. The nurse, too, a person of a very orderly demeanour; not given to drink; and never showing any emotion except of late, when kicking against protection. How ungrateful! For, God knows, we were more than obedient—we were servile. But how is it now? The most valuable colleague of the right honourable gentleman—I say so for good reasons—has protested against him. Lord Stanley, who when the right honourable Baronet was in opposition was the great adhesion that was to make Conservative principles triumphant—he, if I have not been misinformed by some one too zealous to hear aright, for I have not had the advantage of hearing that noble Lord's speech to-night in another place—but I am told that that noble Lord has stated that he quitted the Ministry because he found they were leaving the principles upon which they obtained the confidence of Parliament.

I say the confidence of Parliament. I am not one of those who have ever exaggerated the character, the powers, the privileges of Parliament, or of either separate House; but, after all, is it or is it not the Constitution of the country? I want to know what leading man dare rise in this House—

I care not on which side he sits—who will for a moment pretend that he has gained the position he occupies except by the confidence of Parliament? It is very well to come to us with stories about his Sovereign, and about posterity, but where would the right honourable Baronet have been if the House of Commons had not existed? Now, I say it is utterly impossible to carry on your Parliamentary Constitution except by political parties. I say there must be distinct principles as lines of conduct adopted by public men. Away with your talk about going down to Windsor, and finding that Lord John This, or Lord William That, cannot form a Ministry, and saying, 'Then I must form one, and bring all my colleagues to support measures that they entirely disapprove;' —is that the Constitution that governs England? If the Constitution that governs England be a Constitution that makes men recommend that of which they do not approve, then the sooner we get rid of this Constitution the better. It comes to that; and the noble Lord opposite, the Member for London, who has a respect for the Parliamentary Constitution, and who represents a party that are nothing if they do not respect a Parliamentary Constitution, ought to resist such a vulgar, ignoble innovation. I can understand an absolute Sovereign, in a country of high civilization, governing through a Council of State selected by her arbitrary but intelligent will, from the ablest men of the country; but we have a Parliamentary Constitution. It may have committed great wrongs: undoubtedly it has achieved immense and magnificent results; but this House of Commons still forms a part of the Constitution,

though how degraded and demoralized it may become, if the principles we have heard to-night are to be acknowledged, I confess I cannot tell. If the principles advocated by the right honourable Baronet to-night be once admitted, I ask any one capable of forming an opinion upon public questions, whether Parliament can be anything but a servile senate? Six hundred men met together without the sympathy of great principles and great ideas, to wield all the power of a country, with all the patronage of the country, at the command of one man appointed by the Sovereign to direct them as he wills,—who can doubt what the result would be? In a neighbouring country, yet in the infancy of its representative system, and therefore to be looked at in a kind apologetic spirit, they have no Parliamentary parties; and at this moment, while we are talking of the danger of the Napoleonists and the republicans, the danger is a corrupted senate—an assembly professing to represent the people, and wielding all their power, at the command of a single individual.

Do you aspire to such a position? You will not be brought to this. But what may you in the interval have to pass through? If you had a daring, dashing Minister, a Danby or a Walpole, who tells you frankly, 'I am corrupt, and I wish you to be corrupt also,' we might guard against this; but what I cannot endure is to hear a man come down and say, 'I will rule without respect of party, though I rose by party; and I care not for your judgement, for I look to posterity.' Sir, very few people reach posterity. Who amongst us may arrive at that destination I presume not to vaticinate. Posterity is a most limited assembly.

Those gentlemen who reach posterity are not much more numerous than the planets. But one thing is quite evident, that while we are appealing to posterity—while we are admitting the principles of relaxed commerce—there is extreme danger of our admitting the principles of relaxed politics. I advise, therefore, that we all, whatever may be our opinions about free trade, oppose the introduction of free politics. Let men stand by the principle by which they rise—right or wrong. I make no exception. If they be in the wrong, they must retire to that shade of private life with which our present rulers have often threatened us. There are always men ready to form a Government; and if the noble Lord had formed one, and the country would not support free trade, that would not show that his principles were wrong; but it would show a great political fact, important in the state of our country, that the nation was not ripe for those opinions, or that it was against them. This is a legitimate thing; but it is not a legitimate trial of the principles of free trade against the principle of protection, if a Parliament, the majority of which are elected to support protection, be gained over to free trade by the arts of the very individual whom they were elected to support in an opposite career. It is not fair to the people of England.

As for whether the right honourable Baronet made the Conservative party, or the party made him, I have no doubt there was a reciprocal influence; but he is a great Parliamentary leader, and undoubtedly we might, with a leader less able, not have gained such a result as we did. I attribute our success at the last election in some degree to

the impolicy of the Whigs: warmly opposed to them as I am, I may say that, though I wish to say nothing against gentlemen who happen to be in adversity; but if the right honourable Baronet had not led us so many years with most adroit ability—if, during that term, he had not had recourse to all the acts of party—if he had not proposed subtle resolutions, and even, if necessary, Amendments on the Address—if he had not, with a frankness unusual to him, expressed principles to which the country responded, would he have been carried into power by an enthusiastic people? Then how can you, the Opposition, if you are for Parliamentary Government, offer him this adulation because he now supports your views? You may be very glad that an eminent Member of the House is on your side—that is an historical fact which you may register, and adduce it in evidence of the truth of your views and the advance of your cause; but depend upon it you err when you admit the principle that you are to support any man, whoever he may be, who supports your opinions. The Minister who attained as he did the position which the right honourable Baronet now fills, is not the Minister who ought to abrogate the Corn-laws. That feeling is, I believe, not confined to this House. Whatever may be the fate of Government—whether we are to have a Whig Administration or a Conservative—whether the noble Lord or the right honourable gentleman is to guide the sceptre of the State—whatever, I say, may be the fate of Cabinets—and they are transitory and transient things—things which may not survive the career of many men in this House—on Parliament, as an institution, and still a popular

institution in this country, is dependent, and not upon the Government, the consideration of the vast majority of the Members of this House. Do not, then, because you see a great personage giving up his opinions, do not cheer him on—do not yield so ready a reward to political tergiversation. Above all, maintain the line of demarcation between parties ; for it is only by maintaining the independence of party that you can maintain the integrity of public men, and the power and influence of Parliament itself.

JOHN BRIGHT

December 19, 1845

FREE TRADE

Within the last fifty years trade has done much for the people of England. Our population has greatly increased ; our villages have become towns, and our small towns large cities. The contemned class of manufacturers and traders has assumed another and a very different position, and the great proprietors of the soil now find that there are other men and interests to be consulted in this kingdom besides those of whom they have taken such great care through the legislation which they have controlled. In the varying fortunes of this contest we have already seen one feeble and attenuated administration overthrown, and now we see another, which every man thought powerful and robust, prostrate in the dust. It is worth while that the people, and that statesmen, should regard this result, and learn from it a lesson. What was it that brought the Whig Government down in 1841, and what is it that has brought down Sir Robert Peel now ? Have not we good grounds for asserting that the Corn-law makes it impossible for any party longer to govern England during its continuance ? No statesman dare now take office upon the understanding that he is to maintain the system which the Protectionists have asserted to

be a fundamental principle in the constitution of the kingdom.

We have heard that the Whig Government left the country in great distress, and its financial affairs in much embarrassment. But no one has ever pointed out the particular acts of that Government which made the revenue deficient. It was not the taking off of taxes injudiciously—it was not a more than ordinarily extravagant expenditure of the public funds which produced that effect; but it was the collapse of the national industry—it was the failure of the sources whence flow the prosperity of our trade, a calamity which arose from deficient harvests, those deficient harvests being destructive to our trade and industry, because the Corn-law denied to us the power of repairing the mischief by means of foreign supplies. Great landed proprietors may fancy that trade is of small importance; but of this we are at present assured, that no Government can maintain its popularity or keep up its power so long as we have deficient harvests and restriction on the importation of foreign food.

Under such a state of things, how is social order to be preserved? When prices are high the revenue invariably declines, and higher taxes must be imposed; general discontent prevails, because there is general suffering; and the Government, whatever be its party name, or however numerous may be its supporters in either House of Parliament, must, under these circumstances, first become unpopular, and then, finally, become extinct. We are now brought to this conclusion, that the continuous government of this country by any administration is totally incompatible with the maintenance of the Corn-laws. Lord John Russell

acknowledges it, and Sir Robert Peel, by his sudden retirement from office, has given his testimony to the fact. But there are men who deny it; such men, for example, as Sir John Tyrrell and Mr. Bramston, the latter celebrated, I believe, as the leader in the great lard debate. These men, down in Essex, speak of Sir Robert Peel in the most opprobrious language. They say they are glad that the 'organized hypocrisy' is at an end—that they are delighted that 'the reign of humbug is over'; that they are astounded at the perfidy and treachery of the men whom they lifted into office. It is neither perfidy nor treachery of which they have to complain. Sir Robert Peel cannot, any more than other men, do impossibilities; and it is an impossibility to govern this country with the Corn-law in existence. Sir John Tyrrell, and the like of him, do not shrink from the heavy responsibility of attempting this impossible task; but Sir Robert Peel does shrink from it. Sir Robert Peel is in a very different position from that which they occupy. The country has a hold upon him; he is responsible, and as Prime Minister he knows that he must be held responsible. But, further, he is responsible also to posterity, and no man more than Sir Robert Peel wishes to stand well upon the page of his country's history. But as for the squires, the country has no hold upon them; it expects nothing from them, and will make them responsible for nothing. The Tyrrells and the Bramstons are lost amid the herd of squires, and nobody can lay hold of them to make them atone for national calamities. And if the country has no hold upon them, certainly posterity has none. No man who records the history of this period will ever write long paragraphs

about the Tyrrells and the Bramstons. All that posterity will know of these, and of such as these, will be communicated to them upon a marble tablet in some obscure parish church.

This contest has now been waged for seven years; it was a serious one when commenced, but it is a far more serious one now. Since the time when we first came to London to ask the attention of Parliament to the question of the Corn-law, two millions of human beings have been added to the population of the United Kingdom. The table is here as before; the food is spread in about the same quantity as before; but two millions of fresh guests have arrived, and that circumstance makes the question a serious one, both for the Government and for us. These two millions are so many arguments for the Anti-Corn-law League —so many emphatic condemnations of the policy of this iniquitous law. I see them now in my mind's eye ranged before me, old men and young children, all looking to the Government for bread; some endeavouring to resist the stroke of famine, clamorous and turbulent, but still arguing with us; some dying mute and uncomplaining. Multitudes have died of hunger in the United Kingdom since we first asked the Government to repeal the Corn-law, and although the great and powerful may not regard those who suffer mutely and die in silence, yet the recording angel will note down their patient endurance and the heavy guilt of those by whom they have been sacrificed.

We have had a succession of skirmishes; we now approach the final conflict. It may be worth while to inquire who and what are the combatants in this great battle? Looking in the columns of

the newspapers, and attending, as I have attended, hundreds of meetings held to support the principles of Free Trade, we must conclude, that on the face of it the struggle is that of the many against the few. It is a struggle between the numbers, wealth, comforts, the all in fact, of the middle and industrious classes, and the wealth, the union, and sordidness of a large section of the aristocracy of this empire ; and we have to decide, for it may be that this meeting itself may to no little extent be the arbiter in this great contest—we have to decide now in this great struggle, whether in this land in which we live, we will longer bear the wicked legislation to which we have been subjected, or whether we will make one effort to right the vessel, to keep her in her true course, and, if possible, to bring her safely to a secure haven. Our object, as the people, can only be, that we should have good and impartial government for everybody. As the whole people, we can by no possibility have the smallest interest in any partial or unjust legislation: we do not wish to sacrifice any right of the richest or most powerful class, but we are resolved that that class shall not sacrifice the rights of a whole people.

We have had landlord rule longer, far longer than the life of the oldest man in this vast assembly, and I would ask you to look at the results of that rule, and then decide whether it be not necessary to interpose some check to the extravagance of such legislation. The landowners have had unlimited sway in Parliament and in the provinces. Abroad, the history of our country is the history of war and rapine : at home, of debt, taxes, and rapine too. In all the great contests in which we have been engaged we have found that this ruling class

have taken all the honours, while the people have taken all the scars. No sooner was the country freed from the horrible contest which was so long carried on with the powers of Europe, than this law, by their partial legislation, was enacted—far more hostile to British interests than any combination of foreign powers has ever proved. We find them legislating corruptly: they pray daily that in their legislation they may discard all private ends and partial affections, and after prayers they sit down to make a law for the purpose of extorting from all the consumers of food a higher price than it is worth, that the extra price may find its way into the pockets of the proprietors of land, these proprietors being the very men by whom this infamous law is sustained.

In their other legislation we find great inequality. For example, they deal very leniently with high gaming on the turf, and very severely with chuck-farthing and pitch and toss. We find them enacting a merciless code for the preservation of wild animals and vermin kept for their own sport; and, as if to make this law still more odious, we find them entrusting its administration, for the most part, to sporting gentlemen and game preservers. We find throughout England and Wales, that the proportion of one in eleven of our whole population consists of paupers; and that in the south and south-western counties of England, where squiredom has never been much interfered with, the pauperism is as one to seven of the whole population. We find, moreover, that in Scotland there is an amount of suffering no less, perhaps, though not so accurately set down in figures. We find the cottages of the peasantry pulled down in

thousands of cases, that the population on the landed estates may be thinned, and the unfortunate wretches driven into the towns to procure a precarious support, or beyond the ocean, to find a refuge in a foreign land. But in that country across the Channel, whence we now hear the wail of lamentation, where trade is almost unknown, where landowners are predominant and omnipotent, we find, not one in seven, but at least half the population reduced to a state which may be termed a condition of pauperism.

The men who write for Protectionist newspapers sometimes heap their scorn upon the inhabitants of the American republic. New York is that State of the Union in which there is the most pauperism, for to that State the stream of emigration from this country and from Ireland flows; and yet in that State, the most pauperized in the whole republic, there is only one pauper to every 184 of the population. It is true that they have not an hereditary peerage to trust to. They know nothing there of a House of Lords, seventy or eighty Members of which deposit their legislative power in the hands of one old man. It is not a wise thing for the hereditary peerage and the Protectionist party to direct the attention of the people of this country to the condition of the American republic. We do not expect perfection either in the New World or in the Old; all we ask is, that when an abuse is pointed out, it may be fairly and openly inquired into, and, if it be proved to be an abuse, honestly abated.

I am always fearful of entering upon the question of the condition of that portion of our working population amongst whom these squires and lords

principally live ; but I find that those newspapers which stand in a very ambiguous character before the public, which sometimes are, and sometimes are not, the organs of the Government, but are always organs which play a tune that jars upon the nerves of the people—I find those papers are now endeavouring to play the old game of raising hostile feelings in the manufacturing districts between the employers and the employed. Let them write ; bread has risen too much within the last six months, and within the last two months trade has suffered too sad a reverse, for their writing to have any effect now. There is the most cordial, complete, and, I believe I may add, lasting union amongst all classes in the manufacturing districts in reference to this cause. But how stands the case in the rural districts ? Can the Protectionists call a meeting in any town or village in the kingdom, giving a week's notice of their intention to call their tenants together, and imagine that they will have a vote in favour of Protection ?

They sometimes think we are hard upon the aristocracy. They think that the vast population of Lancashire and Yorkshire are democratic and turbulent. But there are no elements there, except that of great numbers, which are to be compared in their dangerous character with the elements of disaffection and insubordination which exist round about the halls and castles of this proud and arrogant aristocracy. You have seen in the papers, within the last fortnight, that the foul and frightful crime of incendiarism has again appeared. It always shows itself when we have had for some short time a high price of bread. The Corn-law is as great a robbery of the man who follows the plough as it

is of him who minds the loom, with this difference, that the man who follows the plough is, of the two, nearest the earth, and it takes less power to press him into it. Mr. Benett, one of the members for Wiltshire, at an agricultural meeting held not long since, made a very long speech, in which he said some remarkable things—the most remarkable being, that if he had again to come into the world, and had the option of choosing the particular rank or class in society to which he would belong, after reviewing, I believe, a period of about seventy years, he confessed that he would choose to be an agricultural labourer. Now, this sentiment is certainly of a very novel character; and it is one worth examining, coming, as it did, from a man who had at one time, I am told, a property of eight or ten thousand a year in land.

Now, what is the condition of this agricultural labourer, for whom they tell us Protection is necessary? He lives in a parish whose owner, it may be, has deeply mortgaged it. The estate is let to farmers without capital, whose land grows almost as much rushes as wheat. The bad cultivation of the land provides scarcely any employment for the labourers, who become more and more numerous in the parish; the competition which there is amongst these labourers for the little employment to be had, bringing down the wages to the very lowest point at which their lives can be kept in them. They are heart-broken, spirit-broken, despairing men. They have been accustomed to this from their youth, and they see nothing in the future which affords a single ray of hope. We have attended meetings in those districts, and have been received with the utmost enthusiasm by these

round-frocked labourers. They would have carried us from the carriage which we had travelled in, to the hustings; and if a silly squire or a foolish farmer attempted any disturbance or improper interference, these round-frocked men were all around us in an instant, ready to defend us; and I have seen them hustle many a powerful man from the field in which the meeting was being held.

If there be one view of this question which stimulates me to harder work in this cause than another, it is the fearful sufferings which I know to exist amongst the rural labourers in almost every part of this kingdom. How can they be men under the circumstances in which they live? During the period of their growing up to manhood, they are employed at odd jobs about the farm or the farm-yard, for wages which are merely those of little children in Lancashire. Every man who marries is considered an enemy to the parish; every child who is born into the world, instead of being a subject of rejoicing to its parents, and to the community, is considered as an intruder come to compete for the little work and the small quantity of food which is left to the population. And then comes toil, year after year, long years of labour, with little remuneration; but perhaps at sixty or seventy, a gift of 20*s.* and a coat, or of £2, from the Agricultural Society, because they have brought up a large family, and have not committed that worst of all sins, taken money from the parochial rates. One of their own poets has well expressed their condition:

> A blessed prospect—
> To slave while there is strength—in age the workhouse,
> A parish shell at last, and the little bell
> Toll'd hastily for a pauper's funeral!

But the crowning offence of the system of legislation under which we have been living is, that a law has been enacted, in which it is altogether unavoidable that these industrious and deserving men should be brought down to so helpless and despairing a condition. By withdrawing the stimulus of competition, the law prevents the good cultivation of the land of our country, and therefore diminishes the supply of food which we might derive from it. It prevents, at the same time, the importation of foreign food from abroad, and it also prevents the growth of supplies abroad, so that when we are forced to go there for them they are not to be found. The law is, in fact, a law of the most ingeniously malignant character. It is fenced about in every possible way. The most demoniacal ingenuity could not have invented a scheme more calculated to bring millions of the working classes of this country to a state of pauperism, suffering, discontent, and insubordination than the Corn-law which we are now opposing.

And then a fat and sleek dean, a dignitary of the Church and a great philosopher, recommends for the consumption of the people—he did not read a paper about the supplies that were to be had in the great valley of the Mississippi, but he said that there were Swede turnips and mangel-wurzel ;—and the Hereditary Earl Marshal of England, as if to out-herod Herod himself, recommends hot water and a pinch of curry-powder. I was rejoiced, not for the sake of the Duke of Norfolk, for I pitied him, but still I was in my heart rejoiced when I saw the speech which he had made in Sussex. The people of England have not, even under thirty

years of Corn-law influence, been sunk so low as to submit tamely to this insult and wrong. It is enough that a law should have been passed to make your toil valueless, to make your skill and labour unavailing to procure for you a fair supply of the common necessaries of life—but when to this grievous iniquity they add the insult of telling you to go, like beasts that perish, to mangel-wurzel, or to something which even the beasts themselves cannot eat, then I believe the people of England will rise, and with one voice proclaim the downfall of this odious system.

JOHN BRIGHT

October 13, 1853

PEACE

What is war? I believe that half the people that talk about war have not the slightest idea of what it is. In a short sentence it may be summed up to be the combination and concentration of all the horrors, atrocities, crimes, and sufferings of which human nature on this globe is capable. But what is even a rumour of war? Is there anybody here who has anything in the funds, or who is the owner of any railway stock, or anybody who has a large stock of raw material or manufactured goods? The funds have recently gone down 10 per cent. I do not say that the fall is all on account of this danger of war, but a great proportion of it undoubtedly is. A fall of 10 per cent. in the funds is nearly £80,000,000 sterling of value, and railway stock having gone down 20 per cent. makes a difference of £60,000,000 in the value of the railway property of this country. Add the two—£140,000,000—and take the diminished prosperity and value of manufactures of all kinds during the last few months, and you will understate the actual loss to the country now if you put it down at £200,000,000 sterling. But that is merely a rumour of war. That is war a long way off—the small cloud, no bigger than a man's hand—what will it

be if it comes nearer and becomes a fact? And surely sane men ought to consider whether the case is a good one, the ground fair, the necessity clear, before they drag a nation of nearly 30,000,000 of people into a long and bloody struggle, for a decrepit and tottering empire, which all the nations in Europe cannot long sustain. And, mind, war now would take a different aspect from what it did formerly. It is not only that you send out men who submit to be slaughtered, and that you pay a large amount of taxes—the amount of taxes would be but a feeble indication of what you would suffer. Our trade is now much more extensive than it was; our commerce is more expanded, our undertakings are more vast, and war will find you all out at home by withering up the resources of the prosperity enjoyed by the middle and working classes of the country. You would find that war in 1853 would be infinitely more perilous and destructive to our country than it has ever yet been at any former period of our history. There is another question which comes home to my mind with a gravity and seriousness which I can scarcely hope to communicate to you. You who lived during the period from 1815 to 1822 may remember that this country was probably never in a more uneasy position. The sufferings of the working classes were beyond description, and the difficulties, and struggles, and bankruptcies of the middle classes were such as few persons have a just idea of. There was scarcely a year in which there was not an incipient insurrection in some parts of the country, arising from the sufferings which the working classes endured. You know very well that the Government of the day employed

spies to create plots, and to get ignorant men to combine to take unlawful oaths; and you know that in the town of Stirling, two men who, but for this diabolical agency, might have lived good and honest citizens, paid the penalty of their lives for their connexion with unlawful combinations of this kind.

Well, if you go into war now you will have more banners to decorate your cathedrals and churches. Englishmen will fight now as well as they ever did, and there is ample power to back them if the country can be but sufficiently excited and deluded. You may raise up great generals. You may have another Wellington, and another Nelson too; for this country can grow men capable for every enterprise. Then there may be titles, and pensions, and marble monuments to eternize the men who have thus become great; but what becomes of you and your country, and your children? For there is more than this in store. That seven years to which I have referred was a period dangerous to the existence of Government in this country, for the whole substratum, the whole foundations of society were discontented, suffering intolerable evils, and hostile in the bitterest degree to the institutions and the Government of the country.

Precisely the same things will come again. Rely on it, that injustice of any kind, be it bad laws, or be it a bloody, unjust, and unnecessary war, of necessity creates perils to every institution in the country. If the Corn-law had continued, if it had been impossible, by peaceful agitation, to abolish it, the monarchy itself would not have survived the ruin and disaster that it must have wrought. And if you go into a war now, with a doubled popu-

lation, with a vast commerce, with extended credit, and a wider diffusion of partial education among the people, let there ever come a time like the period between 1815 and 1822, when the whole basis of society is upheaving with a sense of intolerable suffering, I ask you, how many years' purchase would you give even for the venerable and mild monarchy under which you have the happiness to live? I confess when I think of the tremendous perils into which unthinking men—men who do not intend to fight themselves—are willing to drag or to hurry this country, I am amazed how they can trifle with interests so vast, and consequences so much beyond their calculation.

But, speaking here in Edinburgh to such an audience—an audience probably for its numbers as intelligent and as influential as ever was assembled within the walls of any hall in this kingdom—I think I may put before you higher considerations even than those of property and the institutions of your country. I may remind you of duties more solemn, and of obligations more imperative. You profess to be a Christian nation. You make it your boast even—though boasting is somewhat out of place in such questions—you make it your boast that you are a Protestant people, and that you draw your rule of doctrine and practice, as from a well pure and undefiled, from the living oracles of God, and from the direct revelation of the Omnipotent. You have even conceived the magnificent project of illuminating the whole earth, even to its remotest and darkest recesses, by the dissemination of the volume of the New Testament, in whose every page are written for ever the words of peace. Within the limits of this island alone,

one very Sabbath, 20,000, yes, far more than 20,000 temples are thrown open, in which devout men and women assemble that they may worship Him who is the ' Prince of Peace '.

Is this a reality ? or is your Christianity a romance ? is your profession a dream ? No, I am sure that your Christianity is not a romance, and I am equally sure that your profession is not a dream. It is because I believe this that I appeal to you with confidence, and that I have hope and faith in the future. I believe that we shall see, and at no very distant time, sound economic principles spreading much more widely amongst the people ; a sense of justice growing up in a soil which hitherto has been deemed unfruitful ; and, which will be better than all—the churches of the United Kingdom—the churches of Britain awaking, as it were, from their slumbers, and girding up their loins to more glorious work, when they shall not only accept and believe in the prophecy, but labour earnestly for its fulfilment, that there shall come a time—a blessed time—a time which shall last for ever—when ' nation shall not lift up sword against nation, neither shall they learn war any more '.

JOSEPH COWEN

November 10, 1882

THE RIGHT OF FREE SPEECH

[On Friday, November 10, 1882, when the adjourned debate on Mr. Gladstone's resolution to give the majority the right of closing a debate in the House of Commons was resumed, Mr. Cowen spoke against the resolution. He said:]

The speech of my honourable friend the Member for Clare [Captain O'Shea] that the House has just heard, was not an argument either for or against the *clôture*, but a friendly appeal to his countrymen to vote for the Government. No one has a higher regard for the good intentions of the honourable Gentleman than I have; but it is to be hoped they will not be successful on this occasion. I do something more than hope; indeed, I feel sure they will not. Memories of coercion have not yet died out in this House nor in the country, and it will require more cogent reasons than have yet been adduced to induce the sufferers from coercion to vote for the coercionists. The ropes and irons of the party stage are too clearly seen through my honourable friend's appeal. It is a supplement to that of the Prime Minister the other day, but both supplement and original, I am confident, will fail in their purpose. The first rule has now been under consideration for nineteen nights. I am not foolish enough to

fancy that I can find any fresh arguments in a field of debate that has been so well trodden by so many experienced speakers. But as I am one of that section of members that the rule was designed to put to silence, I wish to record my reasons for resisting it. We want a full and free, but exact and temperate, investigation of all questions by which the different angles and the diversified tints in this political kaleidoscope will be fairly presented. The work of Parliament has been increased, and is increasing. The character of the work and the composition of the House have both changed. These changes necessitate a revision of the rules. We recognize this as clearly as the Government do, and are as desirous as they are for rubbing off the rust and adapting our forms to the ever-shifting conditions of the country and the times. But we seek to change for the better. It is to be feared the Government are about to change for the worse. Complaints have been made of the prolixity and irrelevance of much of the speaking that takes place. We are told in effect, if not in words, that the faculty of Parliament has run to talk, and that a good deal of the talk has degenerated into drivel. Desire is expressed for greater condensation and clearness. It is a consummation devoutly to be wished. But I suspect we are all offenders in that respect—some of us unconscious offenders. We mistake bulk for strength. We draw out the thread of our verbosity finer than the staple of our arguments. If the Government could secure—either by rule, by precept, or, better still, by example—more simplicity in statement, greater compression of argument, and perspicuity of language, they would confer a

blessing, not only on the House, but upon the nation. But will their plan do this? They can call for brevity, but will it come when they do call? The *clôture* will impede the general action. Of that there can be no doubt. But if it is to act impartially, it will have to be imposed on individuals as well as on the House. If it be not so imposed, some speakers—Ministers, for example—will get a profusion of the time, and others will get none. Yet you cannot compel different minds to limit their treatment of the same subject to a Procrustean standard of a given number of minutes or hours. Some speakers are ornate and elaborate, others sententious and brief, others didactic, and others declamatory; yet all may be equally effective and equally natural. Such a rule would not be equitably enforced. It would be relaxed for members possessing other advantages. Ministers would be allowed to transgress it with impunity, and favourites with the House would be indulged. But the habit of relaxation once admitted, the exceptional practice will be frequently resorted to, and used by majorities to serve party ends, while obscure or obnoxious members defending unpopular but useful causes will have it enforced against them with literal exactitude. A general *clôture*, therefore, will act unequally; and an individual *clôture* will act unfairly. The purpose of the rule is to secure greater speed in legislation. The delay that now occurs is a weariness of the flesh—of Ministerial flesh especially. I am not sure whether this artificial craving for legislation is a healthy sign. We are being legislated out of our liberty. The whole population is being dragooned and driven out of all sense of self-

respect and self-reliance. That laws have profoundly affected national character, no one denies. I am willing to admit, too, that many of the measures the Government have in contemplation are necessary, and that some of them are urgent. But they are not everything.

> How small, of all that human hearts endure,
> The part which laws or kings can cause or cure.

The difference between a physician and a quack is this—a physician knows and admits that his powers are limited. He can aid Nature. He can help her to remove obstruction and clear away abnormal growths; but he cannot re-create a broken constitution, or make a perforated lung do the work of a sound one. But a quack with his pills, and his plasters, and his potions, will undertake to cure all the ills that flesh is heir to. In like manner, the genuine reformer knows that the living law is the thought of the people, and that all Parliament can do is to fit that thought to the life of the nation. Political empirics, on the other hand, will engage to cut out a social cancer by the ballot-box. With them, a Bill 's a Bill, 'although there 's nothing in 't.' It is not so much speed in legislation that is wanted, as skill. It is not quantity, but quality, that is required. The highest interests of the State would often be better served by the wise and liberal administration of old laws than by the high pressure production of new and imperfect ones. A great part of the time of this House is spent in correcting previous mistakes. Like tilers, when mending one hole legislators usually make another. The Government hold in one hand a batch of Bills, and in the other a bundle

of fetters. Give us these gags, they say, and we will give you these Bills. I would rather want the Bills than purchase them at such a price. Obstruction or no obstruction, necessary legislation will come in due time if people want it. Free speech is more precious than all the measures in the ministerial portfolio. Error of opinion may be tolerated as long as there is left the right to combat it. Discussion is a bulwark against oppression, and the sheet-anchor of liberty. Obstruction is of two kinds—purposeless and patriotic. The first is conceived in mischief, sustained by faction, and by whomsoever practised is indefensible. Futile and tautological talk, whether originated in malice, in vanity, or in ignorance, designed to obstruct necessary public business, is intolerable. But patriotic obstruction is the protest of the minority against the arrogance of office and the intolerance of power. It is often useful, and sometimes essential. It is the reserve power—the last Parliamentary defence against the encroachments of Ministers or majorities. If the House parts with it, they part with a weapon that has secured its liberties in the past and may be required to defend them in the future. The Prime Minister said, in introducing the resolutions—and he has repeated the remark often since—that obstruction, in an aggravated form, first showed itself last session. I wish to speak with all deference of any statement respecting the business of the House made by one with such varied and extensive knowledge; still, I venture to contest the historical accuracy of that assertion. The existence of obstruction, as a Parliamentary practice, must not be reckoned by sessions, or decades, or generations, but by

centuries. It is certainly older than the Reformation. Henry VIII pleaded its existence in his day as a reason why certain changes promised to the Pope had not been made. He explained that unfettered discussion was the inalienable right of the British Parliament, which neither Crown nor Chancellor could restrain. Ministers might copy with advantage so unpromising an exemplar as the illiberal Tudor King. Queen Elizabeth, in whose reign the foundation of our present parliamentary government was laid, and in which some of the rules they are now about to destroy were adopted, chided a Speaker of the House with having spent a whole session in mere talk. But let me cite a later and more striking instance. After the Stuart rising in 1715, the House of Commons by an unwarrantable stretch of authority lengthened its life from three years to seven. The Bill for doing this was strenuously opposed by some of the Peers. In the quaint language of the historian of the day, 'the Duke of Buckingham, the Earl of Nottingham, Lord Trevor, Lord Aylesford, and other noblemen, made repeated motions for adjournment, and numerous and long speeches with a view of putting off the Bill to another session.' Here we have, as far gone as 167 years ago, obstruction of the exact character complained of—talking to produce delay, in the hope that delay would ensure defeat. During the French war, the Whigs persistently and wilfully obstructed the Government of Mr. Pitt. Mr. Fox, who will be accepted as an authority on this side at least, boasted that for over a period of twenty years he never entered the House without speaking once and sometimes six times in a sitting. Similar

instances could be multiplied indefinitely. But I put these cases rapidly before you to show that obstruction was coeval with the existence of Parliament. It is incidental to, and an invariable accompaniment of, government by discussion. It has been resorted to in times very different from the present, by all parties, and by men of the greatest eminence in the State. It is not, as the Prime Minister contended, a recent Irish invention. The work of last session has been emphasized. But, according to the Government's own showing, that was a hard and exceptional session. And hard and exceptional cases make bad laws. Last session one Bill—the hateful and humiliating Bill under whose arbitrary powers a thousand men were imprisoned without trial, without accusation, and without opportunity of defence or explanation—was obstructed. Yes, obstructed—justifiably obstructed! Looking back upon that measure, the dishonouring memories of which will be burnt into the reputation of its authors, the surprise is that it was not met with much more desperate resistance than mere Parliamentary obstruction. If one thousand men had been imprisoned in Turkey, or Austria, or Italy, we would have had unctuous appeals to the sacred right of insurrection, and covert incentives to rebellion, from our Liberal coercionists. If ever there was a measure which warranted resort to every form of resistance that the House supplied to defeat it, it was that infamous Coercion Bill—a Bill, too, that the Government, six months after its passage, had to admit was a hideous failure. But while we hear a good deal of the obstruction of last session, we hear little of the obstruction of last Parliament.

The obstruction of last Parliament was very different from the obstruction of last session. Last session, there was obstruction to one measure, but last Parliament there was obstruction to all measures. It was not a specific policy that was obstructed, but the entire administrative and legislative action of the Government of the day. Liberals had reasoned themselves into the belief that the foreign policy of Lord Beaconsfield was not only injurious, but that it was immoral. They regarded him as an international mischief-maker, who, in the plenitude of his power, went roving round the world in search of opportunities for aggression and occasions for display. They believed it to be their duty, not only to their country, but to their consciences, to resist him. The Prime Minister declared, on a well-known occasion, that the set purpose of his life was to counter-work his rival's designs; and that to such end he laboured day by day and hour by hour. The opposition to his domestic policy was as determined, although less displayed. The Government Bills were described as either bad or useless. If bad, they ought not to pass; if useless, they need not pass. A barricade was thus drawn across the Parliamentary passage, and little allowed to pass except necessary measures, and these only after exhausting rebuffs. The Irish members were blamed. Yes, they got the blame, but others got the benefit. They pulled the chestnuts out of the fire. Others ate them. Some of the Irish members who were in the last Parliament might, if they were so minded, a tale unfold that would disturb the equanimity of their cantankerous critics. If the honourable member for Cavan (Mr. Biggar) would recount a few

passages from his Parliamentary autobiography, they would be both interesting and instructive. My honourable friend may probably remember a summer Wednesday, three years ago, when he was invited to give, by one of those processes in which he is an adept, the quietus to a Bankruptcy Bill. How he acceded to the request, and fulfilled it! This was set down to Irish obstruction. The finger-points on the dial were Irish truly, but the mechanism that moved them was of another nationality. The Bill was defeated, and no like measure has since reached so advanced a stage. Now, mark the Nemesis. Bankruptcy is one of the questions that the Government are specially anxious to legislate upon, and grand committees are one of their remedies for Parliamentary congestion. Here was a Bankruptcy Bill drawn by Sir John Holker and Lord Cairns—two men who, whatever may be said of them as politicians, are of uncontested authorities as lawyers; and the late Ministry, with a view of hastening its passage, proposed to try experimentally the scheme of grand committees that the Government are now initiating. Yet, the Bill and the project for the grand committees were defeated at the instance and suggestion of Liberal clôturists, who are now clamouring for both. When I listen to the daily diatribes against Irish obstructives; when I hear them described as men beyond the pale of decent politics, and recall how often obstruction has been made a ladder upon which aspiring partisans have climbed to office, any lingering respect I ever had for party ethics expires. It is needless to speculate on the arrival of American political practices. We have them already in

operation amongst us. The remedy is said to be a Radical one. But it is radically wrong. It strikes at the system, and not at the offenders. It punishes the whole for the peccadilloes of a part. A man is talkative and troublesome; therefore, they punish his neighbour, who is quiet and silent. That is the logic of the Government resolution. If a man voluntarily enters a society, he must work within its rules. It is folly for any one to join a body he intends to defy. If any man intentionally and deliberately breaks the rules, let them silence him, suspend him, or expel him. Do any, do all of these things, if the circumstances warrant. But because one man, or a section of men, is guilty of offences, it is neither wise nor fair to impose galling restrictions upon those who fight fairly within the lists. Why is a majority to close a debate, and when is it to do so? Why? Because the arguments of the opposition are too strong to be answered. When? When the majority want to go to bed, or to dinner, or to some more agreeable occupation. Then they will close it. Ministers are taking powers, not merely to regulate, but to annihilate discussion—not to curtail debate, but to strangle it. They would reduce the right of the minority to a nullity. If a discussion could be closed at any time the majority wished, it could be closed after two speeches had been delivered as easily as after ten. What is to prevent them thus closing it? Nothing, save their weak sense of justice towards troublesome opponents. And the sense of justice in an angry, impatient, and irritated majority, whether Liberal or Conservative, would be weak indeed. But it is said they will not use their power tyrannically. Will not they? I, for one,

will not trust them. It is not good for their health —their mental or moral health—to have such powers. The bare possession of such will tempt them into excesses. Men do, as a body, things that, as individuals, they would shrink from and feel ashamed of. They have a convenient way of throwing the responsibility upon a party when that responsibility is inconvenient. They may speak fair, and for the moment mean fair; but when their passions are roused, their tempers ruffled, and their interests assailed—when the honours and emoluments of office are in the balance—it would be dangerous to trust the best-intentioned majority. Englishmen, whatever other differences divide them, are proud of their Parliament. It is bound by a thousand bands to their interests and affections. Through the darkening centuries, it has been a temple of law and liberty, of eloquence and history. In it the rights and dignities of the people have victoriously struggled against the absolute powers and omnipotence of any one man. Here we have torn in tatters, we have trampled under foot, the humiliating theory of an autocracy, while it had found a lodgement, and taken root, in nearly every other country of Europe. We are now about to change its character—to degrade it from a deliberative assembly into a registry office, where the commands of the caucuses, and the fulminations of the party press, may be chronicled. The doctrine of the advocates of the *clôture*, when stripped of all surplusage, is this. They argue that, in recent years, the position of public affairs has greatly altered. Information that was once the exclusive possession of a favoured few is now the common property of all. News of events that transpire at

the other side of the globe and in our most distant dependencies is flashed here in a few hours. The world has become a vast whispering gallery. Reports of the business transacted in this House reach Cromarty and Cornwall, Dover and Donegal, almost as soon as they do the City. This rapidity of communication, and this multiplication of the means of publicity, have quickened public life and intensified discussion. Opinion, as a consequence, ripens more rapidly. The sentiments prevailing this year may not be entertained next. They wish to bring Parliament into closer contact with the constituencies. They would have it reflect, not merely the convictions, but the caprices of the House. They would make it as sensitive to every passing breeze as the leaves of the aspen. That is their argument. I hope I have stated it fairly. But public opinion is a variable and fluctuating force. What is public opinion in one district is not public opinion in another. And which opinion is to guide us? Is it to be the public opinion of the smug and cowardly respectability of Islington or Clapham, or of the Lothians, or the public opinion of the pinched and perishing peasantry of the west of Ireland? Is it to be the opinion of the political lotus-eaters who doze away their days in sleepy Pall Mall clubs or the opinion of the militant democracy in the north of England? Which—the opinion of 'society', as they call it, or of the 'masses'—is to rule? In the vocabulary of genuine democracy 'the people' means not a majority, but the entire body of the citizens. It means not merely the landless, but the landed—not only the leisured, but the labouring classes. How are their opinions to be reached, and where

can they find utterance? How—but by the verdict of the constituent body, solemnly and deliberately given; and where—but in this assembly? If the machinery is faulty, mend it. If the electorate is too contracted, widen it. But, with all its defects, this House is the only place where the measured views of all classes and creeds, of all parties and interests, find legitimate expression. If Parliament drifts out of harmony with the electorate, dissolve it. Let elections be more frequent if you like; but, while a Parliament lasts, it is the organized expression of popular will; and to supersede it or to override it by the desultory decisions of the platform, the club, or the market-place, is contrary to the spirit, if not to the letter, of the law. Legislation is a matter of reason and judgement. But how can there be reason where determination precedes discussion—when, as Mr. Burke worded it, one set of men deliberates and another set decides? If we are merely to vote as we are told, which is the motto of the caucus, why are we sent here? It is a great waste of power, of health, of time, and of temper. Instead of six hundred, sixty, or indeed six would suffice. All that is wanted is a body of experts to whom the decisions taken in the different constituencies might be sent. They might be tabulated, and formulated, and summarized, handed first to a draughtsman to embody in Bills, and then to an executive to put in operation. The Prime Minister desires to lessen the amount of speaking. This is an easy plan of doing it. The work of legislation might be greatly simplified by such a course of procedure. Government shrinks from such a result, but it is the logical, inevitable, and irre-

sistible outcome of their course of action. They may shut their eyes to it as they like, but it is to that end we are drifting steadily. Public opinion, if genuine and spontaneously expressed, I will defer to, although differing from it; but public opinion, when it is manufactured, I disregard. I say 'manufactured', for it is manufactured—cast, as they cast railway chairs, according to pattern. We are all familiar with the process. We know how resolutions are drawn by the head-centre and sent to the branches for adoption—how a dozen or a score of self-appointed and irresponsible officials, with little discussion and less knowledge, adopt them, and re-transmit them in petitions to Parliament or memorials to Ministers. The Prime Minister has received 180 of these deceptive documents in support of the *clôture*. They are paraded as the decisions of the constituencies, but the constituencies knew nothing either of the meetings, the men who called them, or the measures their support was pledged to. We have heard of an 'organized hypocrisy', but this certainly is an organized imposition. A further argument for the proposed change is the alteration that has come over another department of public life. The floor of the House of Commons, in the estimation of some, has ceased to be the exclusive or even the most effective platform from which to address the nation. In the great Council of the State, which holds its debates in the columns of the press, public questions are sifted and settled, and all that this assembly is required to do, or indeed can do, is to give force and form to the decisions thus arrived at. Now, I have no wish to disparage the press nor undervalue its influence; but I object to assign to it attributes

it does not aspire to, or power it does not possess. The press is primarily a record in which are outlined the salient features of our restless, diffuse, and fragmentary life. It is a panorama on which are photographed the swiftly moving incidents of a busy existence. It is an expositor through whose agency confused and complicated reports are sifted, facts discovered, and then disseminated. It is, too, an educator whose influence reaches through all the ramifications of society—from the palace to the prison. But it is vested with no representative function, and only in a limited degree can it be called an organ of public opinion. Newspapers express, often in a discursive and cursory way, the opinion of their conductors, but it is gross exaggeration to assume that they express the opinion of the public. Men derive from newspapers the material for discussion, but it is ignorance on the part of politicians, and vanity on the part of journalists, to pretend that the opinion of the newspapers and the opinion of the public are always synonymous. More than once during these debates, what is termed the unbusinesslike character of the proceedings has been referred to ; and a hope has been expressed that the arrangements of the House should be assimilated to those of a board of directors. I have little respect for, and no sympathy with, such suggested perversion. To contemplate the lowering to the level of a mercantile company an historical assembly which has been the cradle of the liberties of modern Europe, and the political and legislative sanctuary of a great and free people, proves how the spirit and faith of a country, through a long course of prosperity and a sordid worship of success, can become unaspiring

and materialistic—how the motives of nationality and patriotism, of reverence and courtesy, lose their force, and cease to be springs of action and guides of life. Never, I trust, will a British House of Commons degenerate into a shop or a counting-house; nor legislation, which, in its loftiest purposes, is the most solemn duty that man can discharge for his fellow men; which builds up the character and influences the destinies of a nation; which secures the rights, the liberties, and the property of the people, become a trade. We may cut away a mouldering branch from our Parliamentary system, but we should remember that the trophies of the past are essential to elucidate and confirm the wisdom of the present. Idolatry of the immediate, dwarfs and deforms national character. Let us recast our rules, brush the dust off them, adapt them to modern requirements, but preserve the spirit and continuity of our proudly-treasured historical traditions. I would not touch one of our old customs that does not stand in the way of necessary and urgent change. A breath blows the glory of ages away. The quaint call of 'Who goes home?'[1] when the House is up—what a vista of social vicissitude it summons to the memory! The grating[2] on the doorway—what stalwart conflicts between the representative and the regal power it recalls! Some of the regulations

[1] The cry of 'Who goes home?' is raised immediately on the Speaker leaving the chair. It is a relic of the olden time when it was dangerous for members to go home alone, and when, for protection's sake, all going in one direction used to leave the House together.

[2] This refers to the grating on the outer door of the House of Commons, through which the representatives of the Sovereign have to ask permission to enter.

we are now asked to rescind have historical significance which kindles generous emotions when we reflect on the efforts made to win them. Change we must have, but that now sought is excessive and bewildering. It involves momentous innovations amounting to a revolution of Parliamentary procedure, and is contrary to the temper, and inimical to the interests of the Legislature.

[The Resolution, establishing the *clôture*, which had been under discussion nineteen nights, was carried by a majority of 44 ; 304 voting for, and 260 against it.]

LORD RANDOLPH CHURCHILL

January 24, 1884

CHIPS

Let us now look for a few moments at our own domestic affairs. A stupendous programme of legislation is prepared by the Ministers for a jaded and worn-out Parliament in the coming session. The extension of the franchise, county government for the three kingdoms, local taxation, the municipal administration of the metropolis, University education for Scotland, intermediate education for Wales—these are but the leading items of a long list which the Government, apparently in all seriousness, profess to expect to deal with in a thoroughly comprehensive fashion before New Year's Day shall again come round. And if they fail to deal with any of these subjects, as fail they will and must, the ready excuse will burst from their lips that the cause of their failure is the villany of the Tory party, and the atrocious baseness of the House of Lords; whereas, if for a passing moment, by the exertion of some supernatural power, they could be clothed in the garb of truth, they would be the first to acknowledge that their own prodigious imbecility was alone to blame for the catastrophe. I will not conceal my opinion, that should one and all of the great questions which I have enumerated remain *in statu quo* for another five or ten years,

no one of the Queen's subjects would be a penny the worse. A starving population is not to be fed by votes ; a ruined commerce and agriculture are not to be resuscitated by the abolition of quarter sessions ; and a tottering empire will not be maintained by the creation of a new Lord Mayor. I would recommend the people of England to leave legislation alone for a while, and to insist upon the House of Commons devoting itself to a little practical business. At any rate, this course would have all the charm of novelty. I will explain what I mean. The first and most vital interest of a nation is finance. Upon finance everything connected with government hinges. Good finance ensures good government and national prosperity ; bad finance is the cause of inefficient government and national depression. Great and endless controversies have been carried on for some years between rival Chancellors of the Exchequer, as to whether Liberals are more extravagant than Conservatives, or vice versa. Do not trouble yourselves about these quarrels—they are perfectly idle, fruitless, and beside the real question ; figures and statistics are jumbled up, added to, subtracted from, multiplied, and divided by the frantic combatants, until a perfectly insoluble Chinese puzzle has been created, in which every one is hopelessly lost. The truth is—and I speak with the advantages of a looker-on, who, as you know, generally sees most of the game—that both parties are extravagant, and that all Governments are lavish. The only difference between the Liberals and the Conservatives on this most vital question is, that Conservative extravagance is honest and above board ; Liberal extravagance is dishonest and

surreptitious. The great fact which I am anxious to impress upon you is, that in twenty-five years your expenditure has increased five-and-twenty millions. The gross revenue now collected by the Chancellor of the Exchequer amounts to nearly ninety millions. The sum is so enormous that you will be inclined to agree that the most ordinary prudence compels rigid inquiry. It may be all right, perfectly natural, and quite satisfactory; but let us make certain of this. When you are spending such colossal sums as ninety millions a year, do not let any doubt remain in your minds for a moment as to how the money goes. You can easily do this if you like. Year by year the control of the House of Commons over the expenditure is getting more slender and more feeble. To such an extent is this deterioration going on that, last session, under the financial guidance of Mr. Gladstone, the sublime spectacle was witnessed of thirty millions of taxation being voted by the House of Commons in about thirty minutes of time.

For many years there has been no overhauling by Parliament of the spending departments. It is a great mistake to suppose that Ministers preside over their departments. They do nothing of the kind. They merely appear for them in Parliament. The public departments are despotically presided over by permanent officials, perfectly irresponsible, caring nothing for the House of Commons, which has for years left them to themselves, and always putting back in his place, with the greatest success and rapidity, any Minister who should be such an egregious fool as to imagine he was really a Minister. Under this kind of régime you are spending ninety

millions of money on your Government, and this kind of régime has grown up on account of the House of Commons of late years being entirely given over to legislation. No time is ever left for what I call business, and year after year public accounts are left to look after themselves. Now, in all seriousness, this is an ominous change. It was not so, it was not on such principles that our great financial character and credit were built up. We are come now upon bad times ; if ever national thrift was necessary, it is necessary now. I should like to see the House of Commons devote one or even two entire sessions to finance, and nothing but finance. I should like to turn the House of Commons loose into our public departments on a voyage of discovery. I should like to see every one of our public departments rigorously inquired into by small committees of about seven experienced and practical members of Parliament, each. Depend upon it, we should discover some arrangements of extraordinary interest and curiosity. The inquiry should include the amount of work which any department is expected or supposed to transact, the amount of work which it actually does transact, the number of hands employed in transacting that work, the hours of labour of each clerk or employé, the salaries received by each, and then let all these be carefully compared, under the same headings, with the arrangements in some of our great commercial establishments. Such an inquiry could not but be most useful, and such an inquiry is compulsorily and peremptorily dictated to you when you consider the vast scale of your expenditure and the present bad times. My firm belief is, that such an inquiry would demonstrate

that those useful arrangements of economy of time, economy of labour, and economy of money, are absolutely unknown in our public departments.

I believe that such an inquiry would lead to the decrease of our Foreign Office establishments at home and abroad by at least one-third. I do not imagine that the public has the smallest idea of the utter uselessness of a great portion of that department. I allude especially to the large staff of secretaries and attachés which is kept up abroad for purely ornamental purposes. The Foreign Office would have a very bad time before a Committee of the House of Commons which was firmly intent on effecting a great economy. Take the War Office again. We should find, in all probability, that nearly all the mechanical work of that department could be discharged by intelligent and meritorious non-commissioned officers at about one-half of the salaries now paid to the War Office clerks. We should find that we spend annually from fifteen to sixteen millions on our army. Germany, Austria, and France do not spend much more; but we should find that while these Powers have great armies, we have no army at all. We have regiments of various sorts; but if by an army you mean a perfect fighting machine fully equipped in all its parts, composed of seasoned soldiers, and ready to take the field at the shortest notice, then we have not got an army or anything approaching it; and yet we spend over fifteen millions on it annually. You would have to consider whether it is worth while going on spending such an enormous sum of money for a thing which you do not possess. Look at the navy. We spend ten or eleven millions annually upon our navy. The

highest naval authorities will tell you that our navy against a coalition of France and Russia, or France and Italy, would be absolutely impotent to protect our coasts, our commerce, and our colonies. Some day when we have a great war—and with Egypt on our hands such a war may come at any moment—we shall discover all these trifles; but do not you think that there would be no harm in spending a little time now, while you are at peace, in looking into all this, in making certain about it, and of not placing such implicit confidence in the optimist statements of either one Minister or another? Do not you think that the time would be as well spent, and even better spent, by the House of Commons than in wrangling over the order and course of legislation, whether reform or redistribution should come first, whether they should be dealt with together or singly, whether Ireland should be included or excluded, whether the 40s. freeholder should be abolished or preserved? All these questions are infinitely little and unimportant when compared with the real practical business matters which I have suggested, and if to the line of business which I am most anxious to see adopted you add the prospect and the chance—and the very good chance—of saving some millions of money at present absolutely wasted, I think you will agree that the suggestions I have made are neither foolish, unattractive, nor unworthy of your serious attention. The Radicals are always denouncing financial extravagance. They profess on this point great independence of party, but just test the sincerity of their denunciations by some such proposals as I have made to you, that all legislation should be put off for a

year, and that we should apply the whole of our abilities and time to saving public money. You would have such a howl of fury from them as never was heard. Rather than lose their chance of subverting the Constitution of this country, they would allow you to spend 200 millions a year. I believe that the English people would rather have an economical and thrifty Government than a republican Government, and yet of this I am certain, that you will never have an economical and thrifty Government until you positively direct and order the House of Commons to adopt some such course as I have proposed.

There is another inquiry which might be carried on simultaneously with those which I have mentioned, of the most vital importance to the working classes of this country, and that is an inquiry into the present condition of British industry, and as to how that industry is affected by our present methods of raising revenue for the service of the State. I think that such an inquiry is needed even if it was only to compose the public mind. What is the state of things in the world of British industry? We are suffering from a depression of trade extending as far back as 1874, ten years of trade depression, and the most hopeful either among our capitalists or our artisans can discover no signs of a revival. Your iron industry is dead, dead as mutton; your coal industries, which depend greatly on the iron industries, are languishing. Your silk industry is dead, assassinated by the foreigner. Your woollen industry is *in articulo mortis*, gasping, struggling. Your cotton industry is seriously sick. The shipbuilding industry, which held out longest of all, is come to a standstill. Turn

your eyes where you will, survey any branch of British industry you like, you will find signs of mortal disease. The self-satisfied Radical philosophers will tell you it is nothing; they point to the great volume of British trade. Yes, the volume of British trade is still large, but it is a volume which is no longer profitable; it is working and struggling. So do the muscles and nerves of the body of a man who has been hanged twitch and work violently for a short time after the operation. But death is there all the same, life has utterly departed, and suddenly comes the *rigor mortis*. Well, but with this state of British industry what do you find going on? You find foreign iron, foreign wool, foreign silk and cotton pouring into the country, flooding you, drowning you, sinking you, swamping you; your labour market is congested, wages have sunk below the level of life, the misery in our large towns is too frightful to contemplate, and emigration or starvation is the remedy which the Radicals offer you with the most undisturbed complacency. But what produced this state of things? Free imports? I am not sure; I should like an inquiry; but I suspect free imports of the murder of our industries much in the same way as if I found a man standing over a corpse and plunging his knife into it I should suspect that man of homicide, and I should recommend a coroner's inquest and a trial by jury. Of this you may be certain—that an impartial inquiry into this great question will put more hope into your hearts than any Reform Bill. Do you know what free trade means in the mouth of the latter-day Radicals? It means that articles of food, necessaries of life coming from abroad, which cannot be

produced at home, shall be taxed heavily, and that articles of manufacture, luxuries coming from abroad, and which might be produced at home, shall be admitted duty free. Do you know that your cocoa is taxed at 13 per cent., your coffee 18 per cent., your dried fruits, currants, &c., 26 per cent., your tea 47 per cent., tobacco 504 per cent., rum 504 per cent., brandy 114 per cent.? Observe this curiosity—that rum, which comes from a British colony, is taxed five times as heavily as brandy, which comes from France; and with all this, silk, leather, wool, and iron are all coming into the country duty free, and hopelessly underselling your own products and driving your industrial population to America, to the colonies, to the workhouse or to the prison. Do you understand the reason of all this? I frankly confess I do not. Do you think the House of Commons would be wasting its time if it looked into all these matters carefully? Suppose a merchant were to find his expenditure greatly increased, his revenue greatly diminished, and his resources greatly failing, and under these circumstances were to occupy the whole of his time with the differential calculus, or with inquiries into interplanetary space. You would think him very foolish, not to say mad, and you would anticipate his speedy ruin. Well, the English people will be exactly like that merchant if at such a moment as the present they occupy the whole of their time with wild schemes of legislation, and leave the real, hard, practical business of life to take care of itself. Yet that is the course recommended to you by the Radical party.

Now, if there is one thing more than another of which the Radical party is proud it is their

land legislation, and their policy with respect to land tenure. Yet I think I can show you that this boasted legislation and policy have grievously affected the labour markets in the towns. What is the great cry of the moment? Is it not the congested state of our great towns and the overcrowding of our urban population? And what has produced that congestion and overcrowding? Principally the migration into our towns of an immense population which used to subsist on agriculture. That migration has not only overcrowded your towns, but has increased the competition in the labour market up to starvation level, and has lowered the wages of the artisan classes. Well, in my judgement, the land legislation and avowed land policy of the Radical party are the chief causes of that migration. The Radical party have destroyed nearly all the privileges, all the pleasures, all the amenities which used to attach to the tenure of land, by their recent legislation, and announce that as speedily as possible they intend to destroy those which may remain, and they threaten the very title itself of individual landed possessions. What is the effect of all this? In former times, and not so very long ago, the moment that a man had made a fortune in trade he invested that money in a landed estate; the possession of a landed estate gave him social status, political influence, sporting rights, and possessed many other amenities and attractions. The investment of capital by a capitalist in landed estates meant the employment of capital in the development of that estate, in drainage, in extensive building operations, in road-making, and every other kind of improvement; in a word, it meant active employment for the

agricultural labourer. Investment in land was never a highly remunerative investment, but there was a bloom on it which other investments did not possess, and it was regarded as perfectly safe. But now all that is gone; the investment is no longer safe, and the bloom has been altogether rubbed off the peach. There is no political influence, there are no sporting rights, and few amenities. Formerly you had a constant and regular migration of capitalists from our large centres of industrial activity into the country, and a healthy circulation of capital among the country population. But now, in consequence of the Radical land policy, that migration has almost entirely ceased. Auctioneers will tell you that it is no use trying to sell large landed estates. The capitalist is not such a fool as to invest his hard-earned fortune in a security which has been deprived of all its great attractions; he invests his money now in colonial securities, or in landed property abroad. Instead of a migration of wealthy and enterprising capitalists from the town into the country, you have a migration of ruined and starving agricultural labourers into your towns, lowering your wages and increasing your rates; and this disastrous process may be directly traced to the doctrines on the tenure of land which have been put in practice or are about to be put in practice by the Radical party. Never did the land require capital so much as it does now, never was and so easily and cheaply in the grasp of the capitalist as it is now, if he chose to put out his hand; and yet there is not a capitalist in his senses who would touch it. I commend this subject to your most careful consideration. These Radical nostrums are like certain drugs which seem to be

pleasant to take at the moment, and which seem to produce a good result at the moment, but which in a very short time are found to be destructive to health and fatal to life. I am certain of this, that the more the English people examine into the Radical policy, the more the Radical party develops itself and comes closer to the eye, the more clearly you will perceive what transparent humbug the Radical policy is, and what transcendent impostors the Radical party is composed of.

'Vanity of vanities,' says the preacher, 'all is vanity.' 'Humbug of humbugs,' says the Radical, 'all is humbug!' Gentlemen, we live in an age of advertisement, the age of Holloway's pills, of Colman's mustard, and of Horniman's pure tea; and the policy of lavish advertisement has been so successful in commerce that the Liberal party, with its usual enterprise, has adapted it to politics. The Prime Minister is the greatest living master of the art of personal political advertisement, Holloway, Colman, and Horniman are nothing compared with him. Every act of his whether it be for the purpose of health, or of recreation, or of religious devotion, is spread before the eyes of every man, woman, and child in the United Kingdom on large and glaring placards. For the purpose of an autumn holiday a large transatlantic steamer is specially engaged, the Poet Laureate adorns the suite, and receives a peerage as his reward, and the incidents of the voyage are luncheon with the Emperor of Russia, and tea with the Queen of Denmark. For the purposes of recreation he has selected the felling of trees, and we may usefully remark that his amusements, like his politics, are essentially destructive. Every afternoon the whole

world is invited to assist at the crashing fall of some beech or elm or oak. The forest laments in order that Mr. Gladstone may perspire, and full accounts of these proceedings are forwarded by special correspondents to every daily paper every recurring morning. For the purposes of religious devotion the advertisements grow larger. The parish church at Hawarden is insufficient to contain the thronging multitudes of flycatchers who flock to hear Mr. Gladstone read the lessons for the day, and the humble parishioners are banished to hospitable Nonconformist tabernacles in order that mankind may be present at the Prime Minister's rendering of Isaiah, or Jeremiah, or the Book of Job. This, gentlemen, all this, is the great art of advertisement, and there can be no doubt that it pays when undertaken on the grandiose scale adopted by Mr. Gladstone. I am not sure whether in our calmer and more reflective moments we should not prefer a little more real simplicity in our public men, whether their private lives should not be more genuinely private, and whether their special family interests and family events would not be more natural if they were confined to the family circle. People used to say that Lord Beaconsfield was theatrical; but Lord Beaconsfield was a perfect child in this matter; he had not even mastered the rudiments of the art, and he never dreamt of such grand and theatrical representations as those with which Mr. Gladstone and his starring company astonish the British public week by week.

However, these remarks of mine are merely preliminary to a couple of concluding political observations to which I am led by two of the Gladstonian advertisements which appeared in the

papers the other day. The first described the journey of a deputation of working-men from the pure and immaculate borough of Chester to Hawarden Castle. It has always appeared to me somewhat incongruous and inappropriate that the great chief of the Radical party should reside in a castle. But to proceed. One would have thought that the deputation would have been received in the house, in the study, in the drawing-room, or even in the dining-room. Not at all. That would have been out of harmony with the advertisement 'boom'. Another scene had been arranged. The working-men were guided through the ornamental grounds, into the widespreading park, strewn with the wreckage and the ruins of the Prime Minister's sport. All around them, we may suppose, lay the rotting trunks of once umbrageous trees; all around them, tossed by the winds, were boughs and bark and withered shoots. They come suddenly on the Prime Minister and Master Herbert, in scanty attire and profuse perspiration, engaged in the destruction of a gigantic oak, just giving its last dying groan. They are permitted to gaze and to worship and adore, and, having conducted themselves with exemplary propriety, are each of them presented with a few chips as a memorial of that memorable scene.

Is not this, I thought to myself, as I read the narrative, a perfect type and emblem of Mr. Gladstone's government of the Empire? The working classes of this country in 1880 sought Mr. Gladstone. He told them that he would give them and all other subjects of the Queen much legislation, great prosperity, and universal peace, and he has given them nothing but chips. Chips to the faithful

allies in Afghanistan, chips to the trusting native races of South Africa, chips to the Egyptian fellah, chips to the British farmer, chips to the manufacturer and the artisan, chips to the agricultural labourer, chips to the House of Commons itself. I ask you who have followed with care the events of this Parliament, to carry your minds back to the beginning of 1880, to the demonstration of Dulcigno, to the slaughter of Maiwand, to the loss of Candahar, to the rebellion in the Transvaal, to the Irish Land League with all its attendant horrors, to the scenes in the House of Commons, to the loss of freedom and dignity sustained by that assembly, to the abortive sessions, to the Egyptian muddle, with its sham military glories, to the resignation of Cabinet Ministers, to the spectacle recently afforded of two Ministerial colleagues openly defying each other, to the illusory programme spread before you for the coming year, to the immense dangers and difficulties which surround you on every side—turn over all these matters in your minds, search your memories, look at them as you will; I ask you again, is there in any quarter of the globe, where the influence of Mr. Gladstone's Government has been felt, is there one single item, act, expression, or development on which you can dwell with any pride, or even satisfaction? Is there one single solid, real, substantial construction or improvement which can benefit permanently, or even momentarily, either directly or indirectly, your own countrymen at home, your own countrymen abroad, or any worthy portion of the human race? Chips you will find, nothing but chips—hard, dry, unnourishing, indigestible chips. To all those who

leaned upon Mr. Gladstone, who trusted in him, and who hoped for something from him, chips, nothing but chips; to those who defied him, trampled upon his power, insulted and reviled his representatives and his policy, to the barbarous Boer and the rebel Irish, to them, and to them alone, booty and great gain.

The other startling advertisement I wish to allude to was as follows: 'Hawarden Castle.—The Prime Minister attended Divine service this morning. He was guarded as usual.' 'Guarded as usual!' 'As usual!' Gracious heavens! What a commentary on Liberal government in those two words 'as usual'! Do you know that from the day when first there was what is called a Prime Minister, to the present, there has been no Prime Minister about whom such a statement could be made? Many Prime Ministers have come and gone, good, bad, and indifferent; but the best and the worst have never been guarded by aught else save the English people. And has it come to this? Are the times so terrible, are bad passions so rife and unrestrained, after four years of Liberal rule, that the apostle of freedom, the benefactor of his country, the man for whom no flattery is too fulsome, no homage too servile, cannot attend Divine service in his parish church without being 'guarded as usual'? Surely a world of serious reflection is opened up; surely the art of government must have sunk to a very low ebb when the first servant of the Crown has to be watched night and day by alguazils armed to the teeth. I hope and pray that they will guard him well, for it would be an indelible stain on our name and our fame if a man who has spent fifty years of his life

in the service of the State were to be the victim of an infamous assassin. But I ask myself, are we to blame humanity for this state of things? Is our civilization all in vain? Is Christianity but a phantom and a fiction? Is human nature the awful and incurable cause? Surely not. It is more natural to blame the policy of the statesmen who, to possess themselves of power, to overthrow a hated rival, set class against class and race against race; who use their eloquence for no nobler purpose than to lash into frenzy the needy and the discontented; who for party purposes are ready to deride morality and paralyse law; who, to gain a few votes either in Parliament or in a borough, ally themselves equally with the atheist or with the rebel, and who lightly arouse and lightly spring from one delirium of the multitude to another in order to maintain themselves at a giddy and a perilous height. This is the true explanation, the deep-seated reason of the words 'guarded as usual'. Mr. Gladstone and his colleagues, to destroy Lord Beaconsfield, did not scruple to appeal to the most desperate instincts of the human race; and now, to control and crush down this legion of foul fiends, the resources of civilization are almost exhausted.

The Tory party calls upon the country with a sonorous and warning cry to turn away from guides so dangerous, to repudiate betimes a policy so vile, and, by giving over the Government to other men, and, above all, to other principles, to restore to the Empire that great calm which in 1880 you were falsely promised, which in 1884 you so dearly need. The Tory party sets out no long programme, it commits itself to no irredeemable

pledges; it does not ask you to embark on any wild and unknown enterprises; it promises you one thing, and one thing only—one thing which is worth everything else, which will bring with it inevitably prosperity and peace—it promises you government, government which for four years you have not had, government for which you vainly pay heavy taxes, government which alone you lack, government which the Tories alone can give—for they are united, homogeneous, patriotic, and true. Can you look for government, can you expect anything but anarchy from an administration which contains Lord Hartington and Mr. Chamberlain, from a party which comprises Mr. Samuel Morley and Mr. Bradlaugh, from a heterogeneous agglomeration of Whigs and Radicals, in which 'pull devil, pull baker' is the order of the day? Surely these last four years—four years of base compromise and sickening indecision—must have proved to the most infatuated that the Liberal party of the present day has not one single common principle of policy, either in home or foreign affairs, on which for purposes of efficient government it can unite even for a day. For the Whigs are a class with all the selfish prejudices and all the vices of a class; the Radicals are a sect with all the grinding tyranny and all the debasing fanaticism of a sect. The Whig class and the Radical sect have succeeded, by an amount of political cunning rarely equalled in the history of States, in acquiring a power which their monstrous union is impotent to wield; but their unnatural connexion cannot last. It has arisen from the marvellous talents, stupefying eloquence, and illimitable ambition of one man, and with him it will pass away. The

well-known proverb, 'Vox populi, vox Dei,' is to the Whigs as sounding brass and tinkling cymbals, for they have always existed by corrupting and deceiving the people. To the Radicals it is a fetish of the lowest order, for they exist by driving and tyrannizing over the people. But to the Tories 'Vox populi, vox Dei' is an ever-springing faith, a vivifying principle, an undying truth, without which their politics would be as naught, without a future and without a hope. The Whigs tell you that the institutions of this kingdom, as illustrated by the balance of Queen, Lords and Commons, and the Established Church, are but conveniences and useful commodities, which may be safely altered, modified, or even abolished, so long as the alteration, modification, or abolition is left to the Whigs to carry out. The Radicals tell you that these institutions are hideous, poisonous, and degrading, and that the divine caucus is the only machine which can turn out, as if it was a patent medicine, the happiness of humanity. But the Tories, who are of the people, know and exclaim that these institutions, which are not so much the work of the genius of man, but rather the inspired offspring of Time, are the tried guarantees of individual liberty, popular government, and Christian morality; that they are the only institutions which possess the virtue of stability, of stability even through all ages; that the harmonious fusion of classes and interests which they represent corresponds with and satisfies the highest aspirations either of peoples or of men; that by them has our empire been founded and extended in the past; and that by them alone can it prosper or be maintained in the future. Such is the Tory party and

such are its principles, by which it can give to England the government she requires—democratic, aristocratic, parliamentary, monarchical, uniting in an indissoluble embrace religious liberty and social order. And this party—this Tory party of to-day—exists by the favour of no caucus, nor for the selfish interests of any class. Its motto is—of the people, for the people, by the people; unity and freedom are the beacons which shed their light around its future path, and amid all political conflict this shall be its only aim—to increase and to secure within imperishable walls the historic happiness of English homes.

WILLIAM EWART GLADSTONE

JUNE 28, 1886

THE IRISH QUESTION

IRELAND is the mistress of the situation. Ireland is mounted on the back of England as the old man in the *Arabian Nights* was mounted on the back of Sinbad the Sailor. Do you recollect that incident? I hope you have not all of you given up reading the *Arabian Nights*; it is a great pity if you have. I will read a passage from it. Sinbad is upon one of his islands. He sees the venerable-looking old man, and invites him to get on his back. The old man mounts accordingly. He takes him wherever he wishes to go. But at last he begins to wish the old gentleman would dismount. 'I said to him, "Dismount."' He made the demand a very modest one—'"Dismount at thy leisure," but he would not get off my back, and wound his legs about my neck. I was affrighted, and would have cast him off, but he clung to me and gripped my neck with his legs till I was well-nigh choked. The world grew black in my sight, and I fell senseless to the ground like one dead.' Sinbad is the Parliament of England. The old man is Ireland, whom we, by our foolish initiative, have almost compelled to place herself upon our backs; and she rides you, and she will ride you, until, listening to her reasonable demands, you shall consent to some arrangement that justice and policy

alike say are right. So much for the appeal to prudence. I want to see that Parliament goes to work, and I know it cannot go to work effectively. Let it struggle as it will, the legs are gripping the neck; it is wellnigh throttled; the world grows black in its sight, and virtually it falls to the ground—and at the end of each session some beggarly account is presented to the world of the good it has not been able to do and the laws it has been incompetent to make.

I appeal to the courage of this nation. How is the English nation as to courage? I will give you my opinion. For real dangers the people of England and Scotland form perhaps the bravest people in the world. At any rate, there is no people in the world to whom they are prepared to surrender or to whom one would ask them to surrender the palm of bravery. But I am sorry to say there is another aspect of the case, and for imaginary dangers there is no people in the world who in a degree anything like the English is the victim of absurd and idle fancies. It is notorious all over the world. The French, we think, are excitable people; but the French stand by in amazement at the passion of fear and fury into which an Englishman will get himself when he is dealing with an imaginary danger. Now, we have got before us one of the best cases that I ever knew of an imaginary danger. The imaginary danger is this, that if in high sense of justice as well as of policy we make to Ireland a great and inestimable boon—first of all, the Irish are such a set of fools that they will not see that their interest is to receive that boon in a becoming manner; secondly, they are such a set of monsters that our

good actions towards them will be simply a basis and incentive to the worst actions on their part towards us. That is what we are to set out with, —the cool assumption that God Almighty has made those people monsters or idiots in human shape. Well, then, let us suppose that is true, and they come to a tussle with us, how do they stand ? How do we stand ? They are five millions of people, and I am sorry to say I am afraid that they are still a decreasing five millions. They hope that this change now meditated may lead to the growth of their population. I hope so too, and if there be any English labourer who is afraid of the competition of the Irish labourer—I do not know whether there are or not in Liverpool—I think it is reasonable to suppose that an Irishman —and whatever he is, he certainly is a being that loves Ireland—that there is not any Irishmen who will not get back to Ireland as quickly as he can, and so diminish the pressure of that competition upon the English labourer. The Irish are five millions of people, decreasing, poor, without public establishments, without army, without navy, without any title or any power (under the Bill that we propose) to create either an army or a navy. Such are the formidable antagonists you have to look in the face.

Now, let us see how you stand on this side of the channel—a body already exceeding thirty millions of people, a population constantly increasing, a population knit, and well knit, together as much as any population in the world ; a population with a powerful army and with an all-powerful navy ; and a population to which you are about to add a strength that, in its relations with Ireland,

it never yet has fully enjoyed—the strength of a just cause. And so it is that, in that extraordinary inequality, you are exhorted by the paper Unionists and by the Tories to shrink back from this frightful danger, and from a conflict which can never come with a people which could never resist. Allow me to illustrate this by a very short and simple tale of Dean Swift, who had the power of conveying truths in a form such as no man who ever lived enjoyed. Only recollect that what we are speaking of is the portentous matter between England and Ireland; and Dean Swift has said somewhere that there are upon record various well-authenticated cases where it is historically clear that ten men well armed have fought with one man in his shirt and beaten him.

Well, now, bear with me a moment while I give you yet one more specimen of your paper Unionists who are to figure here to-morrow night. They say what a dreadful case it will be, that after all they predict has come to pass—it never will come to pass—but still, after all that has come to pass, there will be no remedy against Ireland except that of armed force. These gentlemen are extremely shocked at the idea of holding Ireland by armed force. I want to know how you hold it now? I want to know how you have held it for these six-and-eighty years? You have held it by armed force. Do not conceal from yourselves the fact, do not blind yourselves to the essential features of the cause upon which you have to judge. By force you have held it; by force you are holding it; by love we ask you to hold it. Our opponents, who have been very patient indeed of the evils of force while they had it, and who seem

to have been perfectly content with having for ever a rule of force in Ireland, so when we proposed this very different and contradictory method they were roused to a state of horror, because they think they will all go wrong, owing to the monstrous and incurable wickedness of this Irish nation, and that they will have again to resort to force, which, if they did resort to it, would be exactly putting themselves where they are now, and where they have been for six-and-eighty years, and where, to all appearance, they are perfectly content to remain.

One more appeal. I appeal to the honour of England. It has been a matter of some surprise to me—and of pain much more than surprise—to see that in this controversy upon the side of our opponents, the honour of England is never mentioned. I have heard enough of honour in my lifetime to make a man sick, if it were possible, of the very word, but that has been always honour pleaded as an excuse for bloodshed. We heard enough of honour in 1878, 1879, and 1880. We heard of 'Peace with honour' at a time when the representatives of England, for the first occasion in our history, came back from an illustrious Congress[1] of Europe, and had been in that Congress, from the beginning to the end of its proceedings, the foes of liberty and the champions of oppression. Then it was that they came back and said, 'We bring you peace with honour.' No, gentlemen, thank God, through your action in 1880, which I hope you will repeat in 1886—thank God, we were enabled to break down that system, to give liberties which had been denied, to put together

[1] At Berlin, 1878.

again countries that had been broken to pieces, to establish peace and tranquillity where nothing reigned but disorder, war, and cruelty.

And now I make a plea to you for the honour of England, not for bloodshed, not for strife, but for the wiping away of those old and deep stains which are not yet obliterated, but which deface and deform the character of an illustrious nation in the face of the world, in regard to which condemnation has been recorded against you for generations past in every civilized country, and with which now at last at this late moment we are seeking effectually to deal. But is there no honour except that which causes the sword to be drawn, in integrity, in justice, in humanity, in mercy, in equal rights, in purity, in horror of fraud and hatred of falsehood? Honour is the life and soul of civilization. It is to that honour which I appeal, and which now we wish to relieve from the burden and from the stains that encumber it. Ah! when I opened this question in the House of Commons on April 8, I said very little about the Act of Union, for two reasons—first of all, because, looking at the facts, whatever that Act may have been in its beginning, I do not think that it could safely or wisely be blotted out of the Statute Book. But there was another reason. I did not wish gratuitously to expose to the world the shame of my country. But this I must tell you, if we are compelled to go into it—your position against us, the resolute banding of the great, and the rich, and the noble, and I know not who against the true genuine sense of the people, compels us to unveil the truth; and I tell you this—that, so far as I can judge, and so far as my knowledge goes,

I grieve to say in the presence of distinguished Irishmen that I know of no blacker or fouler transaction in the history of man than the making of the Union. It is not possible to tell you fully, but in a few words I may give you some idea of what I mean. Fraud is bad and force—violence as against right—is bad; but if there is one thing more detestable than another, it is the careful, artful combination of force and fraud applied in the basest manner to the attainment of an end which all Ireland—for the exception might almost be counted on your fingers—detested, the Protestants even more than the Roman Catholics. In the Irish Parliament there were 300 seats, and out of these there were 116 placemen and pensioners. The Government of Mr. Pitt rewarded with places—which did not vacate the seat as they do in this country, if I remember aright—those who voted for them, and took away the pensions of those who were disposed to vote against them. Notwithstanding that state of things, in 1799, in the month of June, the proposal of the Unionists was rejected in the Irish Parliament. The Irish Parliament in 1795, under Lord Fitzwilliam, had been gallantly and patriotically exercised in amending the condition of the country. The monopolists of the Beresford and other families got the ear of Mr. Pitt, and made him recall Lord Fitzwilliam, and from that moment it was that the revolutionary action began among the Roman Catholics of Ireland. From that moment the word 'separation', never dreamt of before, by degrees insinuated itself in their counsels. An uneasy state of things prevailed, undoubted disaffection was produced, and it could not but be

produced by abominable misgovernment. So produced, it was the excuse for all which followed. Inside the walls of Parliament, the terror of withdrawing pensions and wholesale bribery in the purchase of nomination boroughs were carried on to such an extent as to turn the scale. Outside Parliament, martial law and the severest restrictions prevented the people from expressing their views and sentiments on the Union. That the detestable union of fraud and force might be consummated, the bribe was held out to the Roman Catholic bishops and clergy, in the hope of at any rate slackening their opposition, that if only they would consent to the Union it should be followed by full admission to civil privileges, and by endowments which would at any rate have equalized the monstrous anomaly of the existence of the Irish Church. Ah! that was the state of things by which,—by the use of all those powers that this great and strong country could bring into exercise, through its command over the Executive against the weakness of Ireland—by that means they got together a sufficient number of people, with 116 placemen and pensioners out of 300 persons, and with a large number of borough proprietors bought at the cost of a million and a half of money, at last they succeeded in getting a majority of between 42 and 46 to pass the Union. Well, I have heard of more bloody proceedings. The massacre of St. Bartholomew was a more cruel proceeding, but a more base proceeding, a more vile proceeding, is not recorded, in my judgement, upon the page of history than the process by which the Tory Government of that period brought about the Union with Ireland, in

the teeth and in despite of the protest of every Liberal statesman from one end of the country to the other.

Was it possible, gentlemen, to atone for so great a wrong? I will make one admission. The Union produced changes so enormous, the whole machinery of the Government had to be reconstituted to such an extent, and the alteration of system was so vast, that in my opinion it became the duty, at any rate of Englishmen, after the Union had once been passed and consolidated as a mere statute, to see whether it could be made to work compatibly with justice and with honour. Therefore I am not at all surprised when I find that men like Grey, who had been one of the most illustrious and vehement opponents of the Union in his earlier years, declined to be responsible for unsettling it. He said, and I think with perfect truth, that there was a great deal to do, that Ireland had great grievances which Parliament might redress, and that if it was possible it was certainly desirable to avoid the unsettling of so vast a piece of legislation. Yes, gentlemen, how have we atoned since the Union for what we did to bring about the Union? Mind, I am making my appeal to the honour of Englishmen. I want to show to Englishmen who have a sense of honour that they have a debt of honour that remains to this hour not fully paid. The Union was followed by these six consequences—first, broken promises; secondly, the passing of bad laws; thirdly, the putting down of liberty; fourthly, the withholding from Ireland benefits that we took to ourselves; fifthly, the giving to force and to force only what we ought to have given to honour and justice;

and, sixthly, the shameful postponement of relief to the most crying grievances. I will give you the proof in no longer space than that in which I have read these words. Broken promises! The promise to the Roman Catholics of emancipation, and the promise of endowment. Emancipation was never given for twenty-nine years. It would have been given if the Irish Parliament had remained. It would have been given in the time of Lord Fitzwilliam. It was never given for twenty-nine years.

The Union came, but no endowment. Well, you will say, and I should say, for that I cannot be sorry. I cannot wish that the Roman Catholics should have received endowment. But, on the other hand, it was a base thing to break your promises to them. Passing bad laws! Yes, slow as it was to pass good laws, the Parliament could pass bad laws quick enough. In 1816 it passed a law most oppressive to the Irish tenant. It was the only law relating to Irish land of any consequence that ever received serious attention until the year 1870. Restraint of liberty! What happened after the Union? In 1810 the people met largely in Dublin. Almost all the Roman Catholics of wealth and influence in the country, and a great deal of the Protestant power too, met in Dublin for the purpose of protesting against the Union. Not the slightest heed came of their protest. In 1820 there was a county meeting of the shire of Dublin, for the purpose of paying compliments to George IV. The people moved a counter-resolution, and the counter-resolution complained of the Act of Union. The sheriff refused to hear them, refused to put their motion, left the room,

and sent in the soldiers to break up a peaceful country meeting. ('Shame.') Oh, it is shame indeed. Fourthly, they withheld from Ireland what we took ourselves—the franchise. The franchise in Ireland remained a very restricted franchise until last year. In England it had been largely extended. As you know, by the Acts of 1867 and 1868, you thoroughly reformed your municipalities, and you had true popular bodies. In Ireland the number of them was cut down to twelve, and after a battle of six years, during which Parliament had to spend the chief part of its time upon the work, I think about twelve municipalities were constituted in Ireland with highly restricted powers. Inequality was branded upon Ireland at every step. Education was established in this country—denominational education—right and left, according as the people desired it. But in Ireland denominational education was condemned, and until within the last few years it was not possible for any Roman Catholic to obtain a degree in Ireland if he had received his education in a denominational college. Such was the system of inequality under which Ireland was governed. We have given only to fears what we ought to have given to justice. I refer to the Duke of Wellington, who himself said, with a manly candour, that the fear of civil war and nothing else was the motive for—I might almost say coercing the House of Lords—certainly for bringing the House of Lords to vote a change which it was well known that a large majority of them utterly detested.

Well, sixthly, we shamefully postponed the relief of the crying grievance. Yes, we shamefully

postponed it. In 1816 we passed an Act to make infinitely more dependent and assailable the position of the Irish tenant. Not till 1843 did we inquire into his condition. Sir Robert Peel has the honour of having appointed the Devon Commission. That Devon Commission represented that a large number of the population of Ireland were submitting with exemplary and marvellous patience. These people, whom we are told you cannot possibly trust, were submitting with marvellous and unintelligible patience to a lot more bitter and deplorable than the lot of any people in the civilized world. Sir James Graham in the House of Commons admitted that the description applied to three and a half millions of the people of Ireland, and yet we went on. Certainly a great deal of good was done in improving the legislation of this country in a wonderful manner, especially by the great struggle of Free Trade; but not till 1870 was the first effort made, seventy years after the Union, to administer in any serious degree to the wants of the Irish tenant, the Irish occupier—in fact, the wants and necessities of the mass of the people of Ireland.

Now, I say that that is a deplorable narrative. It is a narrative which cannot be shaken. I have been treading upon ground that our antagonists carefully avoid. It is idle to say we have done some good to Ireland. Yes, we have. By the Acts of 1870 and 1881 we have done good to Ireland, and by the disestablishment of the Irish Church we have done some good to Ireland, and by the enlargement of Maynooth grants Sir Robert Peel did good to Ireland. Yes, and it is by the success of these very Acts alone that the

paper Unionists can show that we have done good to Ireland. These very Acts are down to the present day denounced by the Tory party—the Church Act as a sacrilege and the Land Act as confiscation. I humbly say it is time that we should bethink ourselves of this question of honour, and see how the matter stands, and set very seriously about the duty—the sacred duty, the indispensable and overpowering duty—of effacing from history, if efface them we can, these terrible stains which the Acts of England have left upon the fame of England, and which constitute the debt of honour to Ireland that it is high time to consider and to pay. Let me ask the question of our friends the Tories or Conservatives—and I hope there are some of them here—why should they oppose it? I want to know why a man, because he is a Conservative, should oppose it. Why is it a Radical measure to give self-government to Ireland, unless it is Radical because it is just? I can understand that every Radical—and I have no doubt there are a great many Radicals here—is well content to a certain extent with that view of the case. But what do my Conservative friends say? Is it Radical because it is just? No, unless they are to come to the conclusion that it is not Conservative because it is just, and would only be Conservative if it were unjust. That is what I want to persuade them—that they are doing themselves an injustice. I do not appeal to the Conservatives here present or elsewhere upon the ground that they will be beaten. They know that as well as I do. But they do not care much about that, and shall I tell you why? They are well accustomed to it. I read you out ten subjects.

On every one of them they fought. On every one of them they were beaten. And now I am charitably endeavouring by good-humoured attempts at persuasion to save them from being beaten again. I want to save them by showing if I can, without, I hope, offending even the best Radical that hears me, that Radicalism is in no way the special characteristic, the distinctive feature, of this measure.

What are we doing? Are we introducing what is new? That is the device of Radicalism. No, we are doing what Tories always preach to us, restoring what is old. A statutory Parliament in Ireland is no novelty. Does the love of antiquity to which a Tory lays claim, carry him no further back than the time of his own grandmother, for eighty-six years, and eighty-six years alone? Has he no reverence for anything that happened before 1880. [A voice, 'Certainly'.] Somebody says, 'Certainly.' I hope that it is true, and if it is true, he must vote with us on this occasion. It is essentially a work of restoration in which we are engaged. The Parliament of Ireland when it was extinguished was 500 years old. It was not a gift to Ireland; it had sprung from the soil. It had an unhappy connexion with us, but in 1782, by an act of late but great wisdom, the Parliament of Ireland was placed upon a footing on which she would have worked out the regeneration of that country, and was working it out patiently and steadily, had it not been for the evil fate which induced the British Government to interfere and to prevent that Parliament from consummating its beneficent undertaking. Therefore, I say we go back to that time. We ask you to constitute

that Parliament, to divest it by the free consent of Ireland of whatever might have made it work inharmoniously with the rest of the institutions of the Empire. But, essentially, we ask you to do that work of restoration; and if Conservatives will not follow us in that work, they are opposing, not only us, but their own principles, according to every enlightened sense and construction of such principles.

I have only this one remark to make. I am very much struck with the important difference between the opposition offered us in this case and the opposition which has been offered on all former occasions. I take the case of the Corn Laws. The opponents of the laws thought that they were doing, and they were doing, a very great good; but the friends of the Corn Laws were accustomed to say that it was by the Corn Laws that the people, and especially the peasantry, of this country were kept upon a much higher level of subsistence and comfort than the peasantry of the rest of Europe. That allegation entirely broke down in the long run; but all I wish you to see is that the opponents of abolition thought it necessary to have some allegation of the kind, and were obliged to say something satisfactory on their side of the case. What is shown by the Tories and paper Unionists? What is the redeeming feature to which they point in the case which we are trying to cure, and to which they will not allow us to apply a remedy? We contend that there is no redeeming feature at all. They tell you that capital is driven from Ireland, that confidence is destroyed, that population is diminishing, that the law is not respected, that social order is sapped and undermined, and

that it is necessary to have a proscription of twenty years of repression, of coercion. It is under these circumstances that your paper Unionists are to meet to-morrow night in this building, and to devise means for upholding a cause so miserable that it is denuded even of the thin pretexts that have made opposition in other cases respectable, which has enabled men to blind their own understandings, and to play with their own consciences, whereas here facts are glaring and stare us in the face. Coerce you cannot. By coercion you could not advance—even if you could coerce. Conciliate they will not. But we ask the people of England and of Scotland to override them, and in the name of justice to say it shall not be so.

In that touching address which was presented to me at the beginning of our proceedings, I was reminded that in this city I first drew breath. I have drawn it, gentlemen, for seventy-six years, and the time cannot be far distant when I must submit to the universal law, and pay the debt of nature. It may be these words I speak to you are the last that I shall ever have the opportunity of speaking in Liverpool. I say that to you—well, it is in better hands than ours. I say that to you, gentlemen, to show you that I am conscious of the deep solemnity of the occasion, and of the great controversy which has been raised between nation and nation. I wish we could expand our minds and raise our views to a point necessary to understand what these controversies really are, how deep their roots go down, what enormous results they produce upon the peace and happiness of mankind, and through what enormous periods of

time they extend. Many of you will recollect, in that spirited old ballad of 'Chevy Chase':

> The child that is unborn shall rue
> The hunting of that day.

And so, should you fail in your duties on this occasion, should the idle and shallow pretexts that are used against us, bewilder the minds of the people of England or of Scotland, or should the power of the purse of wealth or the title of station, of rank—should all these powers overbear the national sense, I fear it may again be true that the child that is unborn shall rue the voting of that day. I entreat you—you require it little—but I entreat, through you, the people of this country to bethink themselves well of the position in which they stand, to look back upon the history of the past, and forward in the prospects of the future, to determine that it shall be no longer said throughout the civilized world that Ireland is the Poland of England. Let us determine not to have a Poland any longer. We have had it long enough. Listen to prudence; listen to courage; listen to honour, and speak the words of the poet:

> Ring out the old, ring in the new.

Ring out the notes and the memory of discord; ring in the blessed reign and time of peace.

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